

Mr. McKELLAR. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDENT pro tempore. Without objection, the President will be immediately notified.

POSTMASTER

The legislative clerk read the nomination of Marlin S. Eckerd to be postmaster at Martinsburg, W. Va.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

That completes the calendar.

RECESS

Mr. BARKLEY. Mr. President, as in legislative session, I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 10 o'clock and 33 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, August 28, 1940, at 11 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 27 (legislative day of August 5), 1940

UNITED STATES CIRCUIT COURT OF APPEALS

John D. Martin, Sr., to be judge of the United States Circuit Court of Appeals for the Sixth Circuit.

APPOINTMENTS IN THE NATIONAL GUARD OF THE UNITED STATES ARMY

GENERAL OFFICERS

Harold Holmes Richardson to be brigadier general, Adjutant General's Department, National Guard of the United States.

Thomas Colladay to be brigadier general, National Guard of the United States.

John Watt Page to be brigadier general, National Guard of the United States.

PROMOTIONS IN THE REGULAR ARMY

NOTE.—The nominations of persons named for promotion or transfer in the Regular Army, which were received on the 26th instant, were confirmed today and a list of their names will be found in the CONGRESSIONAL RECORD of August 26, 1940, beginning on page 10943, under the caption "Nominations."

POSTMASTER

WEST VIRGINIA

Marlin S. Eckerd, Martinsburg.

HOUSE OF REPRESENTATIVES

TUESDAY, AUGUST 27, 1940

The House met at 12 o'clock noon.

Rev. Bernard Braskamp, D. D., pastor of Gunton Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

O Thou God of might and of mercy, in these days when hearts are heavy and ways are dark, may we yield ourselves unreservedly to divine guidance. May our groping and faltering spirits be brought under the sway of the eternal truth that emancipates from all anxiety and despair.

We pray that we may live in the strength and light of Thy presence. Grant that our whole life may be an adventure of godly faith, a sacrament of divine love, and a sure prophecy of life that shall endless be.

May the blessing and benediction of the Lord, our God, be given unto our President, our Speaker, and the Members of Congress as they seek to minister unto those who are burdened by care, haunted by fear, and beshadowed by sorrow. Unite us with all who are striving to heal the heartache of humanity. Humbly and confidently we would continue to pray and labor for the coming of the brotherhood and peace.

In the name of the Christ, kingdom of our Saviour, we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Frazier, its legislative clerk, announced that the Senate had adopted the following resolution:

Senate Resolution 304

IN THE SENATE OF THE UNITED STATES,
August 26 (legislative day, August 5), 1940.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. George N. Seger, late a Representative from the State of New Jersey.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased Representative the Senate do now take a recess until 11 o'clock antemeridian tomorrow.

The message also announced that pursuant to the foregoing resolution the Presiding Officer had appointed Mr. SMATHERS and Mr. BARBOUR as members of said committee on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9575) entitled "An act to amend the Federal Aid Act, approved July 11, 1916, as amended and supplemented, and for other purposes."

EXTENSION OF REMARKS

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include an article that appears in this morning's Washington Post, written by Walter Lippmann.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. COX. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

FEDERAL TORT CLAIMS BILL

Mr. SABATH, from the Committee on Rules, reported the following privileged resolution, for printing under the rule:

House Resolution 578

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of H. R. 7236, a bill to provide for the adjustment of certain claims against the United States and to confer jurisdiction in respect thereto on the Court of Claims and the district courts of the United States, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

THE LATE REPRESENTATIVE SEGER

Mr. BLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point and include a resolution unanimously adopted by the Committee on Merchant Marine and Fisheries this morning on the death of Hon. GEORGE N. SEGER, a member of that committee.

The SPEAKER. Is there objection?

There was no objection.

The resolution is as follows:

Whereas this committee has sustained the irreparable loss of one of its best beloved and most faithful members, whose sudden departure has brought the greatest grief to all of his associates in the Congress of the United States, as well as in this committee's labors: Now, therefore, be it

Resolved: First, That the Committee on Merchant Marine and Fisheries records its deep appreciation of the faithful, untiring, and

efficient service of GEORGE N. SEGER, late a Representative from the Eighth District of New Jersey, whose public service has been marked with distinction, not only in the labors of this committee but also in the Congress of the United States;

Second. That this committee recognizes that in the death of GEORGE N. SEGER the Nation has lost one of its most devoted, loyal, and patriotic sons; the House of Representatives of the United States has lost one of its best beloved, most highly cherished, kindly, and genial Members; and this committee has lost one of its most faithful workers, who was always sound in judgment, wise in counsel, courageous in action, fair in deliberation, frank in discussion, and impelled by the highest ideals in his public and private life;

Third. That this committee will always hold in fondest remembrance its association with GEORGE N. SEGER and will find in his work an inspiration and an example;

Fourth. That the chairman of this committee is hereby authorized to request that a copy of this resolution be made a part of the CONGRESSIONAL RECORD; and

Fifth. That the clerk of the committee is directed to spread this resolution upon the minutes of its meetings and to transmit a copy to the family of the deceased.

EXTENSION OF REMARKS

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an editorial from the Pittsburgh Post-Dispatch.

The SPEAKER. Is there objection?

There was no objection.

Mr. KRAMER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include an address which I delivered over the radio last Saturday.

The SPEAKER. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a column written by Charles G. Sampas in the Lowell Sun, a young man who loves his country and who has faith in America.

The SPEAKER. Is there objection?

There was no objection.

Mr. THILL. Mr. Speaker, I have two requests. First, I ask unanimous consent to extend my remarks in the RECORD; also to extend my own remarks in the RECORD and to include a short newspaper article.

The SPEAKER. Is there objection?

There was no objection.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include an article appearing in this morning's Post, written by Walter Lippmann.

The SPEAKER. That article has already been placed in the RECORD.

Mr. BLOOM. It is a good article. I withdraw my request.

NEGRO C. C. C. CAMPS

Mr. GROSS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. GROSS. Mr. Speaker, I am informed that there are 150 Negro C. C. C. camps in the country and that there are only 2 of these camps that have colored personnel. Now, I do believe that they might as well give the colored people of this country who are capable a break, and here is one place they could at least supply colored doctors and colored chaplains for these colored boys.

If my information is correct, there are two men in the administration who are responsible for this. The one is "Honest Harold" Ickes, Secretary of the Interior, and the other is Henry A. Wallace, Secretary of Agriculture. Mr. Ickes presented Marian Anderson when she sang here in the Capital and Secretary Wallace made a speech at Tuskegee Institute. These two men were at the same time conspiring to keep qualified colored people confined in their place in the sun and now they are in turn asking for the support of these same people. They might do well to explain their actions.

QUESTION OF PERSONAL PRIVILEGE AND PRIVILEGE OF THE HOUSE

Mr. THORKELOSON. Mr. Speaker, I rise to a question of personal privilege and the privileges of the House.

The SPEAKER. Does the gentleman desire to present a question of personal privilege and privilege of the House?

Mr. THORKELOSON. Yes, sir.

The SPEAKER. The gentleman must present his resolution in writing on the question of the privilege of the House.

Mr. THORKELOSON. Mr. Speaker—

The SPEAKER. Just a moment. Is the gentleman's resolution included in the papers he has sent to the desk?

Mr. THORKELOSON. I will send the resolution to the desk.

The SPEAKER. Where is it? The Chair sees no resolution among these papers.

Mr. THORKELOSON. I have the resolution here. Will the Chair allow me to state my complaint?

The SPEAKER. The gentleman will present the resolution.

Mr. THORKELOSON. If the Chair will allow me to state my complaint, I will be glad to send it up.

The SPEAKER. The gentleman must present his resolution before he can make a statement, if it is a matter affecting the privileges of the House.

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. HOFFMAN. If a Member raises a question of personal privilege as well as the question of privilege of the House, on the question of personal privilege is he required to file a resolution?

The SPEAKER. The Chair did not so rule. The gentleman from Montana coupled his statement to include both questions of privilege.

Mr. HOFFMAN. May a Member not speak on his question of personal privilege, without sending up a resolution?

The SPEAKER. The gentleman may state his question of personal privilege. The Chair will state to the gentleman from Michigan that the Chair made the ruling because the gentleman from Montana coupled both the question of personal privilege and the privilege of the House, which the rule requires to be in writing.

The Chair will hear the gentleman from Montana on the question of personal privilege.

Mr. THORKELOSON. Mr. Speaker, I rise to a question of personal privilege and to a question of the privilege of the House, and offer a resolution which I send to the Clerk's desk. The question which I raise may be stated as follows, and, for clarity, attention is called to the CONGRESSIONAL RECORD under date of August 14, 1940, to the matter contained on pages 10341 and 10342.

On August 14 I asked and received unanimous consent to proceed for 1 minute and then proceeded without objection to make a statement which appears on page 10341 of the RECORD, in the left-hand column.

Thereafter, another Member of the House obtained unanimous consent and addressed the House. Thereupon the gentleman from Illinois [Mr. SABATH] obtained unanimous consent to proceed for 1 minute, and according to the official transcript of the reporter of the House, the following occurred:

Mr. SABATH. Mr. Speaker, I objected to the unanimous-consent request of the gentleman from Montana [Mr. THORKELOSON] to insert some articles in his statement because all his utterances and all his insertions were not based on facts, no justification, unfair, and unwarranted.

Mr. THORKELOSON. Mr. Speaker, I demand that the gentleman's words be taken down.

Mr. SABATH. Oh, sit down.

Mr. THORKELOSON. I want his words taken down, Mr. Speaker. He has made the statement that my information is not based on facts. You sit down yourself. You are talking too much anyway.

Mr. SABATH. When I talk, I do not talk or insert nonsense.

The SPEAKER. The Chair will rule that if the words were taken down the Chair would hold that they did not infringe the rules as far as the statement so far has been made. The gentleman will proceed.

Mr. SABATH. Every Member knows what I have said is right. The gentleman from Montana in the last few days, though he has been repudiated in his own district and defeated, has plugged up the CONGRESSIONAL RECORD with about 12 pages of stuff that is

unfit for the CONGRESSIONAL RECORD. He puts in stuff that he sends out under his frank by the thousands, misleading the American people. I know they have no confidence in him.

Thereafter, the gentleman from Illinois [Mr. SABATH] revised and extended his remarks by causing to be printed in the CONGRESSIONAL RECORD the following:

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. SABATH. Mr. Speaker, I objected to the unanimous-consent request of the gentleman from Montana [Mr. THORKELSON] to insert some articles in his statement because I have found in the past that many of his extensions of remarks were not based on facts, were without justification, were unfair, and unwarranted.

Mr. THORKELSON. Mr. Speaker, I demand that the gentleman's words be taken down.

Mr. SABATH. Oh, sit down.

Mr. THORKELSON. I want his words taken down, Mr. Speaker. He has made the statement that my information is not based on facts. You sit down yourself. You are talking too much anyway.

Mr. SABATH. When I talk, I do not talk or insert nonsense.

The SPEAKER. The Chair will rule that if the words were taken down the Chair would hold that they did not infringe the rules as far as the statement so far has been made. The gentleman will proceed.

Mr. SABATH. Every Member knows what I have said is correct. The gentleman from Montana in the last few days, though he has been repudiated in his own district and defeated, has loaded down the CONGRESSIONAL RECORD with more than 12 pages of stuff unfit for the CONGRESSIONAL RECORD. He sends this misleading information out under his frank by the thousands at the expense of the American taxpayers, whom I know have no confidence in him.

The House will recall that in the Appendix of the RECORD, pages 3006-3010, I showed that he had placed in the RECORD up to that time 210 full pages of scurrilous matter at a cost of \$9,400 to taxpayers. I showed that he had imposed upon the House by inserting in one of his leaves to print a forged letter of Col. E. M. House, confidant of the late Woodrow Wilson, in which Colonel House was placed in the false position of being in a conspiracy to restore the American Colonies to Great Britain. After that performance, and even before, I lost all confidence in him. [Here the gavel fell.]

A comparison of the official record furnished by the Reporter of the House with the printed CONGRESSIONAL RECORD shows that the gentleman from Illinois [Mr. SABATH], without having obtained permission to revise or extend his remarks, not only revised his remarks as made on the floor of the House, but he added to those remarks the following words and figures:

The House will recall that in the Appendix of the RECORD, pages 3006-3010, I showed that he had placed in the RECORD up to that time 210 full pages of scurrilous matter at a cost of \$9,400 to taxpayers. I showed that he had imposed upon the House by inserting in one of his "leaves to print" a forged letter of Col. E. M. House, confidant of the late Woodrow Wilson, in which Colonel House was placed in the false position of being in a conspiracy to restore the American Colonies to Great Britain. After that performance, and even before, I lost all confidence in him.

It is of the utmost importance that the CONGRESSIONAL RECORD be a true record of the proceedings of the House. The integrity of the RECORD is destroyed by the insertion of remarks purporting to have been made on the floor of the House, but which were not so made, when no permission has been granted by the House to insert those remarks.

The remarks which have just been quoted as having been inserted in the RECORD by the gentleman from Illinois [Mr. SABATH] were not made on the floor of the House and violate the rules of the House in two particulars.

First, the remarks charge that the Member from Montana had inserted 210 pages of "scurrilous matter" in the RECORD. "Scurrilous," among other things, means "grossly offensive," "vulgar," "opprobrious."

Such remarks reflect upon the character, the reputation, of the Member from Montana; tend to hold him up to ridicule; reflect upon his ability, his reputation, and his character in his representative capacity.

They also charge him with having inserted in the RECORD a forged letter.

Each of these charges raises a question of personal privilege, which can only be taken advantage of in the manner here brought to the attention of the Speaker, for the reason that, not having been made on the floor but having thereafter

been inserted in the RECORD, a demand that the words be taken down could not be made.

Even though permission to revise and extend his remarks had been obtained by the gentleman from Illinois [Mr. SABATH], the remarks inserted in the RECORD are subject to a point of personal privilege, for the reason, as just stated, that, not having been made on the floor, the gentleman from Illinois [Mr. SABATH] could not be called to account and a demand that they be taken down could not be made.

The action of the gentleman from Illinois [Mr. SABATH] also involves a question of the privilege of the House, for the reason that the last quoted remarks, beginning with the sentence, "The House will recall that in the RECORD of May 16," and ending with "I lost all confidence in him," were not uttered upon the floor, no permission to revise and extend his remarks was granted to the gentleman from Illinois and the insertion of those remarks in the RECORD falsifies the record of the House.

I therefore offer a resolution, and ask that I be recognized on my point of order.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Whereas the gentleman from the Fifth District of Illinois, Mr. SABATH, caused to be inserted in the CONGRESSIONAL RECORD of August 14, 1940, on page 10342, the following remarks:

"The House will recall that in the Appendix of the RECORD, pages 3006-3010, I showed that he had placed in the RECORD up to that time 210 full pages of scurrilous matter at a cost of \$9,400 to taxpayers. I showed that he had imposed upon the House by inserting in one of his leaves to print a forged letter of Col. E. M. House, confidant of the late Woodrow Wilson, in which Colonel House was placed in the false position of being in a conspiracy to restore the American Colonies to Great Britain. After that performance, and even before, I lost all confidence in him."

And whereas such insertion is a violation of the privilege of the House, in that said remarks charge a Member of the House with having inserted in the RECORD a forged letter; and

Whereas the insertion of said remarks results in the RECORD being inaccurate, in that the RECORD as printed contains statements which from the RECORD appear to have been made on the floor of the House, but for which permission for insertion in the RECORD was not obtained; and

Whereas said remarks, as so inserted, were not in order and were an abuse of the privilege of the House: Therefore, be it

Resolved, That the remarks appearing on page 15814 of the CONGRESSIONAL RECORD under date of August 14, 1940, to wit: "The House will recall that in the Appendix of the RECORD, pages 3006-3010, I showed that he had placed in the RECORD up to that time 210 full pages of scurrilous matter at a cost of \$9,400 to taxpayers. I showed that he had imposed upon the House by inserting in one of his leaves to print a forged letter of Col. E. M. House, confidant of the late Woodrow Wilson, in which Colonel House was placed in the false position of being in a conspiracy to restore the American Colonies to Great Britain. After that performance, and even before, I lost all confidence in him," be, and they hereby are, expunged from the CONGRESSIONAL RECORD, and are declared to be not a legitimate part of the official RECORD of the House.

Mr. SABATH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. SABATH. The gentleman from Montana raises the question that the word "scurrilous" has been used. For the purpose of saving the time of the House, if he objects to the word "scurrilous" I will withdraw the word "scurrilous."

Mr. THORKELSON. I wish to be recognized on my point of order, Mr. Speaker.

The SPEAKER. The Chair would state that in looking over the matter presented by the gentleman from Montana there is only one phrase which, in the opinion of the Chair, would give the gentleman recognition as a matter of personal privilege. That is the word used by the gentleman from Illinois [Mr. SABATH] in his extension of remarks in the RECORD, the word "scurrilous." The gentleman from Illinois has stated that he is willing to withdraw that word from the permanent RECORD. In view of that fact, would the gentleman from Montana object to that?

Mr. THORKELSON. Mr. Speaker, I also want to take up the question of forgery, of which I have been accused—of using forged matter in the RECORD.

The SPEAKER. Would the gentleman answer the first inquiry submitted to him by the Chair with reference to the

offer of the gentleman from Illinois to withdraw from the RECORD the term "scurrilous" as used in his extension of remarks?

Mr. THORKELOSON. Mr. Speaker, I have no objection to the withdrawal of the matter that is set forth in the resolution, but I want to clear my name of the stigma which has been cast upon it by the gentleman from Illinois. That is the reason I raised the question of the privilege of the House.

The SPEAKER. The gentleman from Illinois has asked unanimous consent, in view of the fact that the gentleman takes offense, and probably a proper offense, at the use of the word "scurrilous" on his part in his extension of remarks, that that word be withdrawn from the permanent RECORD. Does the gentleman object to that?

Mr. THORKELOSON. No.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I shall object unless there is included in the request a further request to withdraw all the words regarding forgery and accusing the gentleman from Montana of being a member of a conspiracy with reference to a forgery insertion in the RECORD.

The SPEAKER. The Chair is inclined to feel that there is nothing to substantiate the assertion that the gentleman from Illinois charged the gentleman from Montana with forgery. The Chair is going by the RECORD and the papers presented to the Chair by the gentleman from Montana.

Mr. THORKELOSON. I did not hear.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, I shall object unless the gentleman from Illinois withdraws his remarks in his extension with reference to accusing the gentleman from Montana of introducing a forged letter in the RECORD. Unless he makes that further request, I shall object.

Mr. SABATH. The House letter has been acknowledged to be a forgery. I merely stated what had actually taken place on the floor of the House.

Mr. COX. Reserving the right to object, I wonder if it would not be agreeable to the gentleman from Illinois to amend his unanimous-consent request by asking leave to withdraw the word "scurrilous"; to expunge from his speech the word "scurrilous" because it violates the rules of the House.

The SPEAKER. The gentleman has submitted that request, and it has been agreed to.

Mr. COX. But he attached a condition. In order to save time, I am sure he is willing to amend it, because it is a violation of the rules of the House, and I am sure that the gentleman is willing to state in his own place that he had no intention of accusing the gentleman from Montana of knowingly inserting in the RECORD a forged letter.

The SPEAKER. The Chair is of the opinion that that implication can be drawn legitimately by the request already made by the gentleman from Illinois, which has been agreed to.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, do we understand that the gentleman will withdraw the language in the extension which accuses the gentleman of putting a forged document in the RECORD?

Mr. RAYBURN. Reserving the right to object, Mr. Speaker, the gentleman from Illinois, I may say, cannot do that because the so-called House letter was put in the RECORD and was proven absolutely to be a forged letter, and the gentleman from Montana did not object to its being noted as a forged letter.

Mr. THORKELOSON. The gentleman is out of order. Pardon me; that is not a correct statement. I did not say that. I said the substance matter of the letter was correct, and I am going to prove that the letter is correct.

Mr. SHAFER of Michigan. Mr. Speaker, I demand the regular order.

Mr. RAYBURN. Does the gentleman from Montana mean to say—

Mr. SHAFER of Michigan. Mr. Speaker, I demand the regular order. I make the point of order that these gentlemen are out of order.

The SPEAKER. The House is in order. The Chair is hearing the gentlemen on the broad question of personal privilege.

Mr. RAYBURN. I may say to the gentleman from Michigan, if he states that I am out of order, that I made my statement under a reservation of the right to object and was perfectly in order according to the rules of the House.

My understanding about the whole matter is that everybody agreed that the so-called E. M. House letter was a forgery. What does the gentleman from Montana say?

Mr. THORKELOSON. The gentleman from Montana says he is going to prove that it was not a forgery.

The SPEAKER. The Chair, in order to get at the crux of this controversy, is now prepared to rule that the statement that the gentleman introduced a forged letter into the RECORD does not say that the gentleman from Montana forged the letter or that he introduced it knowing it to be a forged letter, and the Chair rules that that did not constitute a matter of privilege.

Mr. THORKELOSON. Mr. Speaker, if there is a forged letter there must be an original. There could not be a forgery without there being an original and I want to prove the original letter.

The SPEAKER. The gentleman from Montana is not charged with having forged any letter.

Mr. THORKELOSON. By inference he is.

The SPEAKER. It does not reflect upon the gentleman's action, reputation, or standing with reference to the letter itself; it merely states that he introduced this letter and it was forged—not by him.

Mr. MICHENER. Mr. Speaker, reserving the right to object, I have not seen these papers, and, of course, I had no knowledge that this matter was coming up. But, as I understand the Speaker, he has inspected the papers, and the Speaker finds that there is nothing in the papers charging the gentleman from Montana with knowingly inserting any forged documents in the RECORD.

The SPEAKER. That is the conclusion the Chair draws from the papers that have been presented.

Mr. MICHENER. And there is nothing in the document that in any way reflects upon the integrity or the honesty of the gentleman from Montana [Mr. THORKELOSON]?

The SPEAKER. Not with reference to the matter of the forged letter. The Chair does hold that the use of the word "scurrilous" as described in Webster's Dictionary is unparliamentary, but the gentleman from Illinois [Mr. SABATH] has asked unanimous consent to withdraw that term from the RECORD. Is there objection to the request of the gentleman from Illinois [Mr. SABATH]?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, in view of the Chair's ruling with reference to the purported forged letter not casting any reflection upon the gentleman from Montana, I shall withdraw my objection to the request of the gentleman from Illinois [Mr. SABATH].

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. SABATH]?

Mr. MICHENER. Mr. Speaker, further reserving the right to object, forgery is unlawful in the first instance, and it is also unlawful to knowingly utter a forged instrument. As I understand, the Speaker holds that there is nothing in the RECORD or in these papers to indicate, even had the letter been forged, that the gentleman from Montana had any knowledge of such forgery.

The SPEAKER. The Chair would be inclined to hold that there is no implication whatever reflecting upon the gentleman from Montana with reference to the so-called forged letter. There is no allegation that he was conscious of the fact it was a forgery and there is nothing else seeking to bring his reputation into disrepute. Is there objection to the request of the gentleman from Illinois [Mr. SABATH]?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry. The SPEAKER. The gentleman will state it.

Mr. HOFFMAN. Is not the gentleman from Montana entitled to proceed on the theory that the gentleman from Illinois inserted in the RECORD certain matter which did not occur on the floor of the House, so the RECORD, as printed, is not an accurate transcript? Does not that raise a question of the privileges of the House?

The SPEAKER. The gentleman from Michigan raises the point that the gentleman from Illinois did not have permission to revise and extend his remarks?

Mr. HOFFMAN. The gentleman from Montana so stated and the matter sent up to the desk includes at least 9 or 10 typewritten lines inserted in the printed RECORD which the Member from Montana claims were never uttered on the floor of the House and for which no permission was granted for insertion in the RECORD.

The SPEAKER. Does the gentleman contend that the gentleman from Illinois did not receive permission to revise and extend his remarks in the RECORD?

Mr. HOFFMAN. That is the contention of the gentleman from Montana.

The SPEAKER. What does the gentleman from Illinois [Mr. SABATH] have to say about that?

Mr. SABATH. I obtained unanimous consent to revise the brief remarks I made on the floor of the House that day. In fact, I received two different privileges to extend and to revise.

Mr. THORKELOSON. I have examined through the RECORD and he did not get permission.

Mr. SABATH. This is a statement appearing in the CONGRESSIONAL RECORD a month ago; that is all it is. It is not by me.

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOFFMAN. Mr. Speaker, that raises a question of the accuracy of the gentleman from Montana and of the gentleman from Illinois and is easily determined by a search of the RECORD.

The SPEAKER. It does not raise a question of veracity in the opinion of the Chair, but it does raise a question in reference to the RECORD itself, as to whether or not such permission was obtained by the gentleman from Illinois.

Mr. HOFFMAN. The gentleman from Montana says the gentleman from Illinois did not obtain unanimous consent.

The SPEAKER. That is purely a question of fact.

Mr. HOFFMAN. Surely.

The SPEAKER. Would the gentleman from Montana [Mr. THORKELOSON] withhold his request for the time being so that the Chair may have the opportunity to find out from the Reporter's notes whether such request was granted?

Mr. THORKELOSON. I will withhold the request until the RECORD may be examined. I want to make this statement in regard to the letter that has been discussed a great deal. That letter is absolutely true, as it is written in the Geneva hearings.

Mr. SABATH. What letter? The so-called House letter has been admitted to be a forgery.

The regular order was demanded.

UNITED STATES NAVAL ACADEMY

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table for immediate consideration the bill (S. 4271) to increase the number of midshipmen at the United States Naval Academy.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, will the gentleman explain what the bill is and what it does, and whether it comes from the committee with a unanimous report?

Mr. VINSON of Georgia. Mr. Speaker, if the House will bear with me for one moment I shall endeavor to explain the bill so each Member can thoroughly understand it.

This is a departmental bill, recommended by the Navy Department, and in accordance with the financial program. The bill has passed the Senate. The bill was considered by the Committee on Naval Affairs and, after 2 or 3 days of hearings, it was voted out by the committee with one minority vote. One member of the majority voted against recommending passage of the bill. I may state that all the minority members of the committee voted for the bill.

The purpose of this bill is to do one simple thing, that is, to permit the alternates appointed by Members of Congress to the Naval Academy, and who passed the examination, to go to the academy as well as the principal. As you understand, every Member of the House and every Senator appoints a principal and 3 alternates. The principal has passed the examination and gone on to the academy. The alternates who passed the examination cannot enter because there are no vacancies. This bill merely permits those alternates who have qualified and have passed the examination to enter the academy just as their principal has entered, because there are vacancies at the academy. There are 145 Members of Congress who will have at the academy a principal and 1, 2, or 3 alternates, because their whole group passed.

In the report of the committee, which is now available, every Member of Congress will see the name of the boy appointed and will see from what district he goes to the academy. In other words, if you appointed a principal and your principal qualified, he is already at the Naval Academy and will commence the term in September. If your alternate passed he is also permitted to go to the academy. If your principal passed and your alternate did not pass, he cannot go to the academy.

This bill does not take in anyone but those alternates of appointees of Members of Congress and the Presidential appointees, and others, who have actually passed the examination. All they will have to do is meet the physical requirements. I hold here a complete list showing the appointments of every Congressman and every Senator as well as the Presidential appointments. They appear in the report on the bill.

Now I shall yield to Members of the House for questions.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Michigan.

Mr. DONDERO. I believe the gentleman has answered my question, but do I correctly understand that if a Member has one, two, or three alternates, all three of them will be accepted?

Mr. VINSON of Georgia. All three can go. If your principal passed and your three alternates passed they will enter the academy, and will have to enter between now and September 14.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Michigan.

Mr. MICHENER. What effect, if any, will the enactment of this bill have on the several districts? That is, assume that in my district, for instance, I had one appointment this year, the principal was admitted and all the alternates failed, but in the district of the gentleman from Georgia, let us assume, the gentleman had one vacancy and his principal and all the alternates passed. Under this measure would the gentleman then receive three or four appointments this year?

Mr. VINSON of Georgia. The gentleman is correct.

Mr. MICHENER. What effect would that have on a district next year, when, under ordinary conditions, a vacancy might hold over?

Mr. VINSON of Georgia. It does not affect the appointment next year at all. It does not affect what you are going to do on the 1941 appointments. The emergency exists to have more officers in the Navy. We have room at Bancroft Hall to take care of them. We have the instructors there. We have the boys who have passed the examinations, but they cannot go into the academy because the law states that

none but the principal can enter. This bill permits the alternates to go in as well as the principal, having passed the examination.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Pennsylvania.

Mr. EBERHARTER. Suppose a Member of Congress has a principal who passed and also an alternate who passed. The principal, of course, got the appointment for this year. The alternate was not entitled to an appointment, but the Member of Congress, the alternate being just short of the age limit, makes a trade so that he can get that boy in this year. Had this law been passed a month ago that alternate could come under this law, but under the present circumstances he could not.

Mr. VINSON of Georgia. We cannot legislate to handle trades. If your principal passed, he is over there now. If your alternate passed, this bill permits him to go in, and that is all it does.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. This measure has already passed the Senate. Am I correct in stating that the real purpose of the consideration of the bill at this time is that it fits into the needs of our national-defense program?

Mr. VINSON of Georgia. The gentleman from West Virginia is absolutely correct. My principal passed and all of my alternates failed. As a matter of fact, I hardly think that in the case of the members of the Committee on Naval Affairs there are more than two alternates who can go into the academy. It is to be hoped that no Member of Congress will hesitate to give unanimous consent to the favorable consideration of this bill because he does not have something in it. The national-defense program cannot be built upon politics or upon logrolling, or upon patronage. This measure should pass because we have the boys qualified to go there and we need the officers.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Tennessee.

Mr. COOPER. Does it apply to this year only?

Mr. VINSON of Georgia. It applies to those of 1940 who go in. The examinations have already been held, and they must enter the academy between now and the 14th day of September.

Mr. COOPER. It does not apply to any alternates who may qualify next year?

Mr. VINSON of Georgia. Not at all; it does not apply to anyone who is going to be appointed in the future. It applies to appointments that have already been made.

Mr. COLE of New York. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from New York.

Mr. COLE of New York. I think the gentleman should point out that this applies to appointments made a year ago and also to those for 1940.

Mr. VINSON of Georgia. Yes; but the examinations have all been held and no new boy can be examined. It simply permits the alternates who passed the examination to go to the academy now as well as their principal who also goes there.

Mr. COX. Mr. Speaker, will the gentleman yield to me?

Mr. VINSON of Georgia. I yield to the gentleman from Georgia.

Mr. COX. How many young men will be admitted to the academy under this law?

Mr. VINSON of Georgia. The report is available in the document room—

Mr. HULL. He cannot get it there.

Mr. VINSON of Georgia. I got mine there a moment ago.

Mr. EBERHARTER. There are no copies available here.

Mr. VINSON of Georgia. On the Presidential list there are 7, in the Naval Reserve there are 21, and in the Congressionals

156, which is a total of 184, and out of the 184, approximately 15 percent will fail physically, and there is a list here of every Congressman who is involved in the matter.

Mr. MASON. The report is now available, I may say to the gentleman.

Mr. VINSON of Georgia. The report is here and the Members can all get the report and see if they have a boy going in under this bill.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Pennsylvania.

Mr. RICH. Many of the Members of Congress this past year did not have any appointments to the Naval Academy and therefore he would not be entitled to have a boy on the list, but nevertheless he may have had 50 or 75 good applications from boys who could pass both mentally and physically. This has been in the mind of somebody for sometime—

Mr. VINSON of Georgia. No; it has not.

Mr. RICH. It seems to me that the Members of Congress should have the right and the opportunity to present boys who could take this examination instead of permitting one Member of Congress to have three or four candidates enter the academy, while other Members do not have that opportunity.

Mr. VINSON of Georgia. If the gentleman had no vacancy last year, his vacancies will occur in the future, because every Member is entitled to have four appointees. If the gentleman has none now he will have an appointment when his vacancy occurs over in the academy. This does not take away a single thing from any Member of Congress.

Mr. RICH. Yes, it does.

Mr. VINSON of Georgia. But it permits those already available to go to the academy now.

Mr. RICH. Will these appointees from these particular districts be deducted from the Member of Congress—

Mr. VINSON of Georgia. Not at all; it simply means that these boys from these districts will go in now and these Congressmen when their other vacancies occur from their respective districts, recognizing the fact they cannot have more than four there at one time, will not be permitted to name more than one.

Mr. RICH. Then the Member of Congress who gets these appointments will not be permitted to have more than four boys at the academy at one time?

Mr. VINSON of Georgia. That is the law.

Mr. RICH. And this bill does not change that law.

Mr. VINSON of Georgia. Not at all.

Mr. PACE. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Georgia.

Mr. PACE. I understand that these extra boys will be charged to your four-man allotment at the academy?

Mr. VINSON of Georgia. Not at all. These extra boys go in because they are qualified now, but the law and the appropriation fixes it so that there can be but four appointees at the academy from any one Member of Congress.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. MICHENER. I understand that this bill simply creates this additional number of places in the academy, without reference to existing statutes. It authorizes the admission to the academy of a group already qualified so far as changing the present law is concerned.

Mr. VINSON of Georgia. That is correct. There is nothing in this bill that repeals any existing law. It merely permits these boys who are qualified now to go in because we have the places and we have the professors and we have the accommodations there for them. It is contemplated in the appropriation bill that will be before the House the next fiscal year to have five appointees. It is contemplated a little later to have six. To have six, it will cost \$10,000,000 to fix up the Naval Academy, but it does not cost anything to take care of these boys now.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. PATMAN. Let me see if I understand. Suppose a Member has four in the academy now. Under the terms of this bill, if he has three alternates who have heretofore qualified, either in 1939 or 1940, they will go in in addition to the four.

Mr. VINSON of Georgia. That is correct.

Mr. PATMAN. And then he will have seven?

Mr. VINSON of Georgia. That is correct.

Mr. PATMAN. Does the gentleman not think that we should amend this and charge those to his quota?

Mr. VINSON of Georgia. Not at all. We debated that before the committee. There is only one thing. We have an opportunity to take these boys in, but if any Member of Congress wants to object to this bill, he has the right to do so. I certainly hope, because I have but one, and the gentleman from Texas may have seven and the gentleman from Georgia [Mr. PACE] none, that no one will object to it because we need these boys; they have qualified, they have met every educational requirement, they have passed the elementary tests, and they should be entered into the academy irrespective of the fact of whether I have seven or two or have none. [Applause.]

Mr. KITCHENS. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. KITCHENS. It is not so long ago that the academy had to let out a lot of young men who graduated down there because there was no place for them.

Mr. VINSON of Georgia. That is true, because we had no ships. That was in 1932. Since 1932 we have built and put into the Navy 111 ships.

Mr. KITCHENS. That is the point that I am raising. What have you done about permitting or arranging for these young men to go back into the service now?

Mr. VINSON of Georgia. We passed a law to permit every one of those who could qualify to come back in the following year. They are all in who qualified.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. RANDOLPH. Then it is my understanding that the Senate in unanimously passing the measure, and your committee in recommending it, have brought us a bill that is not based upon the origin of the boys that are qualified, but upon the need for the boys at the present time.

Mr. VINSON of Georgia. On the origin of those that are qualified now, and based on that need. For instance, the gentleman from Massachusetts [Mr. McCORMACK] has in this bill, as I remember it, three men. His principal passed and his three alternates passed. He has probably four at the academy now. That will make seven. I have but one there. Do gentlemen think that I would be serving my country if I object to this because the gentleman from Massachusetts [Mr. McCORMACK] has seven there and that I have but one? I had my opportunity, I gave it to the boys. My principal passed but my alternates did not. That applies to a great many of us, and I certainly trust that no one here will object to this because he has not the equal patronage at this time that some other man has. [Applause.]

Mr. THOMASON. Mr. Speaker, what is the situation of a boy who has now passed the entrance age requirement?

Mr. VINSON of Georgia. The age requirement is kept the same.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. Certainly.

Mr. MICHENER. There is a bit of uncertainty about this matter on this side. Will the gentleman yield to the gentleman from New York [Mr. COLE], a minority member of this committee?

Mr. VINSON of Georgia. Certainly.

Mr. COLE of New York. Mr. Speaker, is not this the fact, that this bill enlarges the authority of the President of the United States to nominate candidates to Annapolis, but limits that enlarged authority to those congressional nominees who have already passed and met the physical examination?

Mr. VINSON of Georgia. That is right. Of course, the bill permits the President to do it, but he is restricted to this list in this report to these men who have been nominated by various Representatives and Senators.

Mr. COLE of New York. So that it does not in any way affect the rights of any Member to appoint candidates?

Mr. VINSON of Georgia. It involves no Member's rights as to what he can do in the future.

Mr. WOLVERTON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. WOLVERTON of New Jersey. I would appreciate it if the gentleman would make plain what is meant by the proviso in the bill that "no such candidate shall be eligible for admission who was more than 20 years on April 1, 1940." The reason I ask the question is this: Assume a boy qualified as to age on April 1, but has become more than 20 years of age since April 1, would he be admitted to the academy under the terms of this bill?

Mr. VINSON of Georgia. The age limit requires that he be between 16 and 20, and that is holding it down to the age limit.

Mr. WOLVERTON of New Jersey. But the point I am making is that with the proviso contained in the bill, reading "that no such candidate shall be eligible for admission who was more than 20 years of age on April 1, 1940," it would not seem to preclude a boy who had not reached the age of 20 until after April 1.

Mr. VINSON of Georgia. No; it does not.

Mr. PACE. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. PACE. A hurried check over this list shows that one Member of Congress has four boys. Assuming he now has four boys in the academy, that would give him eight?

Mr. VINSON of Georgia. That is right.

Mr. PACE. Then would he continue hereafter to have his regular appointments?

Mr. VINSON of Georgia. Exactly. I do not think the gentleman from Georgia [Mr. PACE] has anyone in here. As a matter of fact, going over this list, I think there is but one Member of the Georgia delegation whose alternates passed, and that is the gentleman from Georgia [Mr. COX], from the Second District. Now, some Members might have four. Some Members might have three. I certainly hope, because the gentleman from Georgia [Mr. PACE] has not anybody in here, he will not object to it because of these other boys.

Mr. COX. The gentleman from Georgia [Mr. BROWN] has that distinction, and not I.

Mr. VINSON of Georgia. I stand corrected.

Mr. PACE. I am trying to get it straight from the gentleman. One time he says these extra boys will be charged to your appointments.

Mr. VINSON of Georgia. They will not be charged. If I made such a statement it is in error.

Mr. KNUTSON. Will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. KNUTSON. Certainly they will be charged to the extent that when the senior cadet graduates it would not create a vacancy.

Mr. VINSON of Georgia. The four appointments are not affected at all. They will not be charged against any Member of Congress having the right to keep at the academy at least four men. It simply means that these additional candidates who have qualified can go to the academy.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. I yield.

Mr. RICH. A few moments ago I asked you certain questions.

Mr. VINSON of Georgia. I was in error then. I did not catch the question.

Mr. RICH. Then we understand the ones who have the appointments now, if they have four men in the academy, if they have four on this list, can have eight men in the academy?

Mr. VINSON of Georgia. Exactly. If it happens that you have four from your district now, you could have four under this bill, and that would make eight from your district. But that would not in the slightest degree affect my right to have four at the academy.

Mr. RICH. I want to say to the gentleman that this bill comes up in the House, and we only have about a half an hour to consider it. If it is so important that it must go through, why was not notification given to the House that we would consider legislation of this kind today, and why were not the Members given an opportunity who did not have any appointment last year and who have no boys on the permanent list or on the alternate list, to get into the academy? You are giving them to some Members, while other Members do not even have an opportunity, where they have 50 or 60 candidates who could take an examination and qualify. The Navy Department could examine those boys in 24 hours, and they could be given a certificate and admitted.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. VINSON]?

Mr. RICH. Mr. Speaker, I will object unless we have time to debate this.

Mr. VINSON of Georgia. Let us have it right now.

The SPEAKER. The gentleman has had a half an hour already.

Mr. RICH. That is all right. We have nothing else to do. We have not had very much to do for weeks, and we can discuss this matter.

Mr. VINSON of Georgia. Let me answer the gentleman from Pennsylvania. The reason why the bill is here at this time is due to the fact that the boys have gone into the academy in June. The course starts in September. The Navy Department checked up and found out that it could accommodate about 250 or 300 more in Bancroft Hall. It could not hold a new examination and get them all in there by September 14. So they said, "Here is a group of boys who have qualified; 184 from congressional appointments have qualified, and they cannot come in because their principals have gone in." The Navy Department recognizes the national-defense situation; recognizes that we have to have officers; recognizes the fact that we are paying these professors at the academy when we can educate this many more boys.

Mr. RICH. Would the gentleman object—

Mr. KENNEDY of Maryland. Mr. Speaker, I demand the regular order.

Mr. VINSON of Georgia. Will not the gentleman withhold his demand for a minute to let us iron this out?

Mr. KENNEDY of Maryland. Mr. Speaker, I yielded to the gentleman from Georgia because he said his bill would take only a couple of minutes, yet we have consumed over half an hour. We have a lot of business to transact and I must insist on the regular order.

The SPEAKER. The gentleman from Maryland demands the regular order. The regular order is, Is there objection to the request of the gentleman from Georgia?

Mr. RICH. Under all circumstances, Mr. Speaker, I object.

The SPEAKER. The gentleman from Pennsylvania objects.

Mr. VINSON of Georgia. I am not going to bring the bill back to the House.

The SPEAKER. The gentleman from Pennsylvania has objected to the request.

THE PRIVATE CALENDAR

SECOND OMNIBUS CLAIMS BILL

The Clerk called the first omnibus bill on the Private Calendar (H. R. 8717) for the relief of sundry claimants, and for other purposes.

MIKE L. BLANK

The Clerk read as follows:

Be it enacted, etc.

Title I—(H. R. 809. For the relief of Mike L. Blank.) By Mr. CANNON of Florida

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury

not otherwise appropriated, to Mike L. Blank, of Delray Beach, Palm Beach County, Fla., the sum of \$20,150 in full settlement of all claims against the United States for damage done to his nursery gardens and property, located in sec. 28, T. 46 S. R. 43 E., Palm Beach County, Fla., from October 2, 1933, to the date of this act, by their overflow with salt water from the Intracoastal Waterway, due to the widening and deepening of the waterway adjacent to and in the vicinity of said nursery gardens and property and the removal of the dikes along the waterway by the War Department: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. COSTELLO. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Committee amendment: No. 1. Strike out all the language of title I, H. R. 809, on pages 1 and 2, and insert in lieu thereof the following:

"That jurisdiction is hereby conferred upon the District Court of the United States for the Southern District of Florida to hear, determine, and render judgment upon the claim of Mike L. Blank, of Delray Beach, Palm Beach County, Fla., said claim arising out of damage done to his nursery gardens and property, located in section 21, township 46 south, range 43 east, Palm Beach County, Fla., from October 2, 1933, to the date of the passage of this act, caused by their overflow with salt water from the Intracoastal Waterway, allegedly due to the widening and deepening of the waterway adjacent to and in the vicinity of said nursery gardens and property and the removal of the dike along the waterway by the War Department. Suit hereunder may be instituted at any time within 1 year from the date of the enactment of this act, and proceedings therein, appeals therefrom, and payment of judgment thereon, if any, shall be had in the same manner as in the case of claims over which said court has jurisdiction under the provisions of the Judicial Code."

The committee amendment was agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Mr. COSTELLO moves to strike out all of title I.

Mr. COSTELLO. Mr. Speaker, my purpose in offering this amendment is purely to gain an opportunity to address the House for a minute.

This bill is similar to another which previously passed the House and which met with the approval of the President. This bill authorizes Mr. Blank to go through the Federal courts and sue for damages he alleges have arisen through the work which has been done on the Intracoastal Waterway in Florida. In view of the fact that his neighbor under the same circumstances was allowed to go to the Court of Claims I believe the same redress should be granted this claimant. For this reason, Mr. Speaker, I am going to ask unanimous consent that my amendment may be withdrawn and that the claimant may be allowed to have the same relief that was granted to the claimant in an earlier case under the same circumstances.

Mr. Speaker, I ask unanimous consent to withdraw my amendment.

Mr. COCHRAN. Mr. Speaker, reserving the right to object, the President vetoed a Senate bill very recently wherein a certain individual was granted the right to sue in the district court. Was that bill vetoed because that case was sent to the district court rather than to the Court of Claims, or was it because there was an appeal from the district court of the United States to the Supreme Court without going through the court of appeals?

Mr. COSTELLO. I am not familiar with the bill to which the gentleman refers, so I could not state, but the pending bill is identical in language to another bill which was passed by the Congress and signed by the President and is now public law. The two parties are in exactly the same situation, asking for the same relief.

Mr. COCHRAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Without objection, the amendment will be withdrawn.

There was no objection.

The title was amended so as to read: "A bill to confer jurisdiction upon the District Court of the United States for the Southern District of Florida to hear, determine, and render judgment on the claim of Mike L. Blank."

WILLIAM C. REESE

The Clerk read as follows:

Title II—(H. R. 1429. For the relief of William C. Reese.) By Mr. PATRICK

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay William C. Reese, of Birmingham, Ala., out of any money in the Treasury not otherwise appropriated, the sum of \$3,500, in full satisfaction of his claim against the United States for personal injuries sustained from the kick of a mule on October 15 or 25, 1917, while the said William C. Reese was in the performance of his duty as an employee of the Goodrich Construction Co. engaged in the construction of an Army camp as a subcontractor under authority of the United States, said injury having been sustained through the negligent or reckless act of a soldier of the United States Army in charge of such mule whilst in the performance of his duties as such soldier: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Mr. COSTELLO moves to strike out all of title II.

Mr. COSTELLO. Mr. Speaker, the present bill provides for the payment of \$3,500 to William C. Reese, of Birmingham, Ala. Mr. Reese was employed upon a project at Camp McClellan in Alabama doing construction work. At that time an Army soldier was exercising an Army mule in the vicinity of the project. William Reese had asked the soldier not to exercise the mule in the particular location, but the soldier continued to do so. Mr. Reese apparently at the time was talking to an Army officer, obtaining instructions in regard to construction work which was being done. The mule kicked Mr. Reese, and as a result he sustained injuries from which he claims to have suffered during the 20 years that have elapsed since that time. The injury took place some time between October 15 and 25, 1917. The War Department has no record of the injury. At the time Mr. Reese was eligible to receive the benefits of the insurance which was held by the contractor. The premiums for that insurance were paid for by the Federal Government in making the payment to the contractor on this project. To my mind there is no justification for the Federal Government's making a payment to Mr. Reese when he had the right to sue the insurance company.

The sole purpose of requiring insurance to be carried by the contractor was to obviate this very situation and to prevent any possibility of the Federal Government becoming liable for any injuries that might be sustained by employees engaged in construction work. These injuries were undoubtedly sustained by Mr. Reese while he was engaged in work on that construction project. He would certainly come under the provisions of the insurance policy in that event. Having failed to avail himself of that remedy, I do not believe he is entitled to come here and ask the Federal Government to grant him relief. For this reason I have offered an amendment to strike out the title.

Mr. HANCOCK. Will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from New York.

Mr. HANCOCK. Does the gentleman think it is a wrongful act for a soldier to lead an army mule along the road at an army post?

Mr. COSTELLO. The soldier was carrying out the orders of his superior officer in exercising the mule and was carrying it out in the particular area in which he was instructed so to do.

Mr. PITTENGER. Will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Minnesota.

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Mr. PITTENGER. Why does the gentleman want to strike out the title if this man was doing what he was ordered to do by his superior officer?

Mr. COSTELLO. For the simple reason that Mr. Reese had a remedy provided under the insurance policy. He was an employee on this construction project and the contractor carried insurance to take care of injuries to employees. He was injured in the course of his duty on that work, yet he did not avail himself of the opportunity to obtain relief under that insurance policy.

Mr. PITTENGER. Does the gentleman have anything in writing to indicate the insurance company admitted liability or to show that liability was fastened on them?

Mr. COSTELLO. The fact is that the contractor had to carry the insurance policy, otherwise he could not have obtained the contract from the Government. The Government reimbursed the contractor for the amount of the premium paid for that policy.

Mr. PITTENGER. As a matter of fact, a lot of these insurance policies for one reason or another have exceptions. Might not the insurance company have held that this man out here leading the mule was not covered by the policy and perhaps that is the reason he did not pursue the remedy suggested by you?

Mr. COSTELLO. Under the policy he should have been entitled to recover because he was engaged in the actual work of construction which that insurance policy covered. While the injury was not from a falling log or from a load of bricks, he was injured during the course of his employment on that project. I cannot see any reason why the insurance company would be able to avoid payment of its obligation under the policy.

Mr. Speaker, for the reasons above, I hope the House will agree to my amendment.

Mr. PATRICK. Mr. Speaker, I rise in opposition to the amendment offered by the gentleman from California [Mr. COSTELLO].

Mr. Speaker, this is the case of William C. Reese, of Birmingham, Ala., who is making a claim which seems to be entirely justified from my analysis of the facts. This accident happened on October 15, 1917. He was in the performance of his duties as an employee of the Goodrich Construction Co. He was at an Army camp at Anniston, Ala., working under a subcontractor and was not in anywise connected with the Government. There seems to be a little error here as to exactly what he was doing. He was foreman of a work crew at Camp McClellan, near Anniston, Ala. While he was performing his duty he was twice kicked by a Government mule. Now, I have heard of folks being kicked by a Government mule all my life, but this man actually had that experience—an untamed mule was out being exercised by a soldier for the Government.

That is the extent of the situation. I cannot have the time to go into a detailed description of it.

Mr. SCHULTE. Will the gentleman yield?

Mr. PATRICK. I yield to the gentleman from Indiana.

Mr. SCHULTE. What amount is he asking?

Mr. PATRICK. Three thousand five hundred dollars.

Mr. SCHULTE. For being kicked by a mule?

Mr. PATRICK. Yes; he has spent the rest of his life in bad health.

Mr. EBERHARTER. Will the gentleman yield?

Mr. PATRICK. I yield to the gentleman from Pennsylvania.

Mr. EBERHARTER. Does the record show that this claimant ever received any money whatsoever from any source as a result of these injuries?

Mr. PATRICK. No; there was no insurance that could touch it. There was no policy or anything that he had that would reach him.

Mr. EBERHARTER. He has been suffering as a result of this since that time?

Mr. PATRICK. He has been greatly an invalid. He has been unable to do any physical labor at anything.

CALL OF THE HOUSE

Mr. THOMAS of New Jersey. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. Obviously there is not a quorum present.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 195]

Allen, Ill.	Cummings	Jenks, N. H.	O'Toole
Allen, Pa.	Darrow	Jennings	Pfeifer
Arnold	Delaney	Johns	Pierce
Barden, N. C.	Dempsey	Jones, Tex.	Randolph
Barry	Dies	Kelly	Reece, Tenn.
Barton, N. Y.	Dirksen	Kennedy, Michael	Richards
Bates, Mass.	Ditter	Kerr	Risk
Beam	Douglas	Kilburn	Rockefeller
Bolton	Doxey	Lambertson	Ryan
Bradley, Pa.	Drewry	Larrabee	Sacks
Brewster	Evans	Lemke	Sandager
Bryson	Fay	Lewis, Ohio	Schaefer, Ill.
Buckler, Minn.	Ferguson	Luce	Schwert
Buckley, N. Y.	Fernandez	Lynch	Shanley
Bulwinkle	Fitzpatrick	McArdle	Sheridan
Burch	Flaherty	McDowell	Smith, W. Va.
Burdick	Flannery	McGranery	Somers, N. Y.
Burgin	Ford, Miss.	McLeod	Starnes, Ala.
Byrne, N. Y.	Ford, Thomas F.	McMillan, Clara	Stearns, N. H.
Byron	Fulmer	McMillan, John L.	Sullivan
Caldwell	Garrett	Marcantonio	Sweeney
Camp	Gavagan	Marshall	Taylor
Celler	Gifford	Martin, Ill.	Treadway
Chapman	Gillie	Martin, Mass.	Vreeland
Clark	Guyer, Kans.	Merritt	Wadsworth
Cluett	Hall, Edwin A.	Miller	Weaver
Collins	Hall, Leonard W.	Monkiewicz	White, Ohio
Connery	Hare	Myers	Wigglesworth
Cooley	Healey	Norrell	Winter
Corbett	Hennings	Norton	Wood
Courtney	Hope	O'Brien	
Cuiklin	Jeffries	O'Leary	

The SPEAKER. Two hundred and ninety-nine Members have answered to their names, a quorum.

On motion of Mr. RAYBURN, further proceedings under the call were dispensed with.

PERMISSION TO ADDRESS THE HOUSE

Mr. FISH. Mr. Speaker, I ask unanimous consent that on tomorrow, immediately after any special orders heretofore entered, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

BRIDGE ACROSS STRAITS OF MACKINAC, MICH.

Mr. LEA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1379) granting the consent of Congress to the Mackinac Straits Bridge Authority to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac at or near a point between St. Ignace, Mich., and the Lower Peninsula of Michigan, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The Clerk read the House amendments, as follows:

Page 1, strike out all after line 3, down to and including "Legislature", in line 6, and insert "State of Michigan."

Page 2, line 16, after "and", insert "reasonable."

Page 2, line 22, strike out all after "tolls", down to and including "management" in line 1, page 3.

Amend the title so as to read: "An act granting the consent of Congress to the State of Michigan to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac at or near a point between St. Ignace, Mich., and the Lower Peninsula of Michigan."

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, when the gentleman from California asked to send this bill to conference the other day I objected because the gentleman from Michigan [Mr. DONDERO], who was very much interested, was momentarily absent. I understand it is now satisfactory to the gentleman from Michigan [Mr.

DONDERO] and the gentleman from Michigan [Mr. CRAWFORD] that this bill may go to conference.

Mr. LEA. That is true, as I understand the facts.

Mr. MICHENER. May we have the assurance of the chairman of the committee on Interstate and Foreign Commerce, that the House conferees will insist upon the House position and not agree to the Senate bill until they come back and get instructions so to do?

Mr. LEA. The agreement was that the House would insist upon the amendments of the House.

Mr. MICHENER. Yes. That is my question.

Mr. CRAWFORD. Reserving the right to object, Mr. Speaker, I am not too clear on the agreement which the gentleman from Michigan [Mr. MICHENER] has mentioned. Will the gentleman from California yield for me to ask the gentleman from Massachusetts [Mr. HOLMES] a question about this matter?

Mr. LEA. Yes.

Mr. CRAWFORD. Perhaps an hour ago the gentleman from Michigan [Mr. DONDERO] and I were discussing this matter with the gentleman from Massachusetts [Mr. HOLMES]. Is that the agreement that is now being referred to by the gentleman from Michigan?

Mr. MICHENER. Further reserving the right to object, Mr. Speaker, I am no party to any of these cloakroom conferences. The only question in which I am interested is this: The House gave consideration to this bill. It passed on the Consent Calendar, but with the express understanding that the amendments placed in the Senate bill by the House were to be insisted upon in conference. I am asking the gentleman from California, as the chairman of the conferees, for his assurance that he will insist upon the position taken by the House. I do not care what your cloakroom talk was.

Mr. CRAWFORD. Further reserving the right to object, Mr. Speaker, the reason I enter this conversation at this time is that the gentleman from Michigan was pointing out that an agreement had been made, and my name was mentioned. I do not know anything about the agreement, and that is what I want to get clear on. I do not know from whom the gentleman from Michigan obtained his information. If this bill is to go to conference and the language in lines 4, 5, and 6 is to be reinserted in the bill, of course, I shall have to object, as far as I am concerned.

Mr. MICHENER. Coming from Michigan, I am interested in this bill and am not interested in any agreement. I am simply asking that the conferees stay by the House position.

Mr. RABAUT. Mr. Speaker, I am going to demand the regular order on this bill.

Mr. WOODRUFF of Michigan. Will the gentleman withhold it for a moment?

Mr. RABAUT. I withhold it for a moment, Mr. Speaker.

Mr. KENNEDY of Maryland. Mr. Speaker, this is the day set aside for the consideration of omnibus claims bills; therefore, I demand the regular order.

The SPEAKER. The gentleman from Maryland demands the regular order.

Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. KELLY, of Illinois; O'TOOLE, of New York; and HOLMES, of Massachusetts.

SECOND OMNIBUS CLAIMS BILL

WILLIAM C. REESE

Mr. PATRICK. Mr. Speaker, William C. Reese—Uncle Billy Reese, as he is affectionately known—was foreman of quite a crew of workers on a Government job. The soldiers had been warned by him not to come with their mules upon the property on which they were working. They had to be there at their jobs. Notwithstanding this, one Army man took a mule that was among a bunch of unbroken mules and led it up behind Uncle Billy while he was on the job. It kicked him behind, and that turned him around, and it kicked him in the abdomen. He has not been a well man since. We have abundant testimony from doctors stating that he is incapacitated from 70 to 80 percent. He was making over \$200 a

month as a foreman then. He has not made over \$100 a month since. For a long time he was in bed. Then he was a ticket taker at the gate at a terminal station out there, making \$100 a month.

Mr. KENNEDY of Maryland. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I yield to the gentleman from Maryland.

Mr. KENNEDY of Maryland. Is it not true that the Government officials were warned not to exercise the mules at this particular property because of the danger existing there?

Mr. PATRICK. They were. They disregarded that warning, and it was while doing so that this man suffered this injury. He has been practically an invalid ever since.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I yield to the gentleman from Minnesota.

Mr. PITTENGER. This claim has been considered twice by the Committee on Claims and there has been a favorable report from the entire committee on it both times?

Mr. PATRICK. Both times there has been a favorable report.

Mr. PITTENGER. If you vote "yes" on the motion that is now pending, you vote to undo the work of the Committee on Claims.

Mr. PATRICK. I thank the gentleman very kindly. That certainly is true.

I believe this is an unusually meritorious bill. The gentleman has been an invalid in a measure since that time. He did not get any insurance and could not get any insurance. There was nothing in his insurance policy that would pay him for such an injury. He has never received a dime compensation. He has just simply suffered all these years, having been bedridden for a while.

This matter has been running now for over 20 years and he has been an injured man ever since and has not received a penny for it. He is a man of family and still has responsibilities. There is no way in the world of getting compensation except in this way. The original bill was for \$5,000 and it is cut down now to \$3,500.

Mr. HOUSTON. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I yield.

Mr. HOUSTON. I have studied this bill and I think it is a just claim and one that should be allowed and I am going to support it.

Mr. PATRICK. I thank the gentleman from Kansas.

[Here the gavel fell.]

The SPEAKER. The question is on the amendment offered by the gentleman from California striking out the section.

The question was taken; and on a division (demanded by Mr. HANCOCK) there were—ayes 27, noes 57.

So the amendment was rejected.

TITLE III.—MARIE K. TROTTONOW

The Clerk read as follows:

Title III—(H. R. 2919. For the relief of Marie K. Trottonow.)
By Mr. DISNEY

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$25,000 to Marie K. Trottonow, in full settlement of any and all claims against the Government on account of the death of her husband, Alfred H. Trottonow, from injuries sustained when the vehicle in which he was riding collided with a truck of the Forest Service, Department of Agriculture, on United States Highway No. 66, near Britton, Okla., April 1, 1938.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$7,500 to Marie K. Trottonow, of Tulsa, Okla., as executrix of the estate of Alfred H. Trottonow, deceased, and the sum of \$1,000 to Paul Lindley, of Tulsa, Okla., in full settlement of all claims against the United States on account of the death of the said Alfred H. Trottonow, and personal injuries sustained by the said Paul Lindley, as a result of a collision between the vehicle in which they were riding and a truck of the Forest Service, Department of Agriculture, on United States Highway No. 66, near Britton, Okla., on April 1, 1938: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent

thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

Mr. HANCOCK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK: Page 4, line 17, strike out all of title III.

Mr. HANCOCK. Mr. Speaker, if I may have the attention of the House for just a few minutes, I think I can persuade the Members of the House that this bill is without merit. It is an attempt to recover damages for personal injuries arising out of a collision between a Government truck operated by an employee of the Forest Service and a private car operated by one A. H. Trottonow, of Tulsa, Okla.

It seems that the Government truck was proceeding east on an improved highway and the private car was proceeding south, also on an improved highway. The truck therefore had the right-of-way. There was no obstruction to the vision from either direction as they approached the intersection, although the visibility was poor. There was a heavy snowfall at the time. The Government truck, as it neared the intersection, came to a complete stop, according to the testimony of the truck driver, corroborated by the testimony of the attendant at a service station immediately across the road. He entered the intersection slowly and carefully and turned north in the direction from which the private car was proceeding. The testimony is that the private car was proceeding at 35 miles an hour and that it did not diminish its speed until it got within a few yards of the intersection. At that time the truck had nearly cleared the intersection. The driver then jammed on his brakes and his car slid into the side of the truck near the rear. The accident was investigated by State policemen in Oklahoma and I want to read just a line from the report of one of these officers:

Upon asking Mr. Trottonow—

That is, the private driver—

how he happened to hit the truck, he told me he didn't know exactly, but that it was snowing pretty heavily and he was talking to the young fellow in the car with him and that after he saw the truck he tried to stop but couldn't stop in time to avoid the collision. Mr. Trottonow stated that he was traveling between 25 to 35 miles per hour, but didn't know just exactly, but Mr. Lindley—

That is, the passenger in the car with Mr. Trottonow—

told me that he had noticed the speedometer and that they were going about 35 miles per hour just before they got to the intersection.

Mr. Trottonow received injuries from which he died, and Mr. Lindley, the passenger, received minor injuries, for which he seeks damages in the amount of \$1,000. The estate of Mr. Trottonow asks for \$7,500, which is \$2,500 more than the usual award in death cases.

All the evidence in the case indicates that the truck driver did everything that any cautious driver could possibly do to avoid an accident at that corner. He came to a complete stop, he turned to the left slowly, and looked before he started. He saw this approaching car about 250 feet away, which he thought was ample distance to permit clearance. The driver of the private car did nothing whatever to avoid the accident. If he had taken his foot off the throttle, even for a moment, or slowed down the least bit, or if he had kept his car under control, there would have been no accident. The policeman who examined the scene afterward testified that the truck had completely made the turn; that the right rear wheel was off the pavement on the right-hand side of the road facing north; and that the right front wheel was just on the pavement, facing north. It may be that the collision pushed the truck around, but it is perfectly obvious that the truck had nearly completed the turn when the other car crashed into it.

Of course, the road was very slippery and it was snowing. It was a wet snow which was melting as it hit the ground

and the private driver did exactly the wrong thing by jamming on his brakes. His car skidded and he completely lost control of his car. After the accident, his car was in the middle of the road. If he had been going more slowly or had used the ordinary care of the ordinary driver, he could have proceeded behind the truck in perfect safety. The most we ought to do in cases like this, where the evidence strongly favors the Government, or where there is a serious dispute as to the facts, is to confer jurisdiction on the district court and let the court and jury decide the case. We have no right whatever to make awards of this kind, especially when the evidence is all in favor of the Government.

There were no eyewitnesses except the truck driver and one of the claimants in this case, Mr. Lindley. All of the circumstances and all of the evidence of the disinterested witnesses corroborate and sustain the position of the Government.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. DISNEY. Mr. Speaker, I rise in opposition to the amendment. With all due deference to my good friend the gentleman from New York [Mr. HANCOCK], if I were engaged in a lawsuit, I would say that he had overstated the evidence. The physical situation is important to take into consideration. All of the traffic on Highway No. 66 flows down to Oklahoma City. Up at Edmond, Okla., the heavy traffic from Wichita comes in and the heavy traffic from both those areas comes across this route to Oklahoma City on Route 66. The Government driver was driving on Route 77, which is a side road. And there is a warning sign up to keep traffic from 77 coming onto this road making rolling stops as was done in this instance.

Mr. HANCOCK. But may I call the attention of the gentleman to the testimony of the State officer that there is no stop sign there.

Mr. DISNEY. Oh, I object to the gentleman stating that. I object to the gentleman making a speech and having it taken out of my time. I will yield for a question, but not for an argument. There is a stop sign where the truck driver was to come in. He was to stop. Who says he stopped? His testimony has something to do with this job. He says he stopped.

Mr. HANCOCK. The station master across the street—

Mr. DISNEY. Mr. Speaker, if I am going to discuss this question I would like to discuss it without interruption.

The SPEAKER. The gentleman declines to yield.

Mr. DISNEY. The man in the hamburger joint whom the committee did not believe, thinks the driver stopped. What does the eyewitness say, Mr. Lindley, the only witness that really could know what was going on? He not only says that the driver of the Government truck after the accident was over—this is a part of the *res gestae*, right when it happened—he says that the driver of the Government truck said, "I am sorry, but I could not help it." Does that sound like a man who had completely stopped? "I am sorry, but I could not help it." Mr. Lindley, who was with Mr. Trottnow, said they were going about 35 miles an hour about 2 minutes before they met this truck, and that as soon as they saw the truck they slowed down. It was snowing, and the fellow from the side road is expected to be more careful. He owes a higher degree of duty coming from the side road where there is a warning sign than the man on the main highway with no "Stop" signs. Here is a man killed because the driver of the Government truck made a rolling stop and wheeled along to the main highway in a snowstorm. That is how it came about. Mr. Lindley says:

I know Mr. Trottnow saw this truck at about the same time I did because I noticed he started slowing down. The truck did not stop at the "Stop" line but instead, made a rolling stop or rather just slowed down and rolled on out to the intersection. When this truck rolled up to the west edge of the highway on which we were traveling, or up to the west edge of the intersection, it seemed that the driver of the truck was going to stop as he slowed down again and seemed to hesitate.

Why should he not hesitate, with a "Stop" sign in his face and no "Stop" sign on the main highway in the face of the man who was killed?

Mr. ELLIS. Mr. Speaker, will the gentleman yield?

Mr. DISNEY. Yes.

Mr. ELLIS. To say that I was a member of the subcommittee to which this bill was referred. I studied it carefully and thoroughly and came to the conclusion that this Government driver who pushed in from the side road was solely and wholly to blame.

Mr. DISNEY. I thank the gentleman for that suggestion. I think that must be so. The whole committee reviewed it for a second time. First, on the original bill, before it was objected to, and second, afterward the committee went over this and discussed it thoroughly before putting the item in this bill. If any one of you were a judge of a district court, you would permit this to go to the jury as to whether or not the jury would believe the Government truck driver or Mr. Lindley, who is now alive, though still suffering from this accident. Or would you believe the Government truck driver or the man in the hamburger joint who thinks he saw something in a snowstorm but does not know anything about it. The committee decided he knew nothing about it, and it did not give credence to his testimony because it is not worthy of credence; but the *res gestae* statement, made at the time, was admissible, and you would admit that. Or, if you were a district judge, would you allow the testimony of Trottnow to come in, made maybe half an hour after the accident—an *ex parte* statement on the part of the officer?

I doubt whether, if you were a district judge, you would admit that statement, but when the Government truck driver says, "I am sorry; I could not help it," you would admit that testimony. Here is one man injured for life; another man dead. You construe a variance in the testimony in favor of the plaintiff in the case, if you sit as a juror. The Claims Committee has twice reviewed it. I believe you can take the judgement of the Claims Committee.

[Here the gavel fell.]

The SPEAKER. The question is on the amendment offered by the gentleman from New York [Mr. HANCOCK] to strike out the title.

The question was taken; and on a division (demanded by Mr. HANCOCK) there were ayes 21 and noes 50.

So the motion was rejected.

Mr. HANCOCK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently there is no quorum present.

Mr. KENNEDY of Maryland. Mr. Speaker, I move a call of the House.

Mr. HANCOCK. Mr. Speaker, is it too late for me to object to the vote on the ground that a quorum is not present?

The SPEAKER. The objection comes too late.

The question is on the motion of the gentleman from Maryland [Mr. KENNEDY].

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 196]

Allen, Pa.	Collins	Fitzpatrick	Kilburn
Arnold	Connery	Flaherty	Kirwan
Barry	Cooley	Flannery	Lambertson
Barton, N. Y.	Corbett	Ford, Leland M.	Larrabee
Bates, Mass.	Courtney	Ford, Miss.	Lemke
Beam	Creal	Ford, Thomas F.	Lewis, Ohio
Bolton	Crosser	Fulmer	Luce
Bradley, Pa.	Crowe	Garrett	McArdle
Brewster	Culkin	Gavagan	McDowell
Bryson	Cummings	Gifford	McGranery
Buckley, N. Y.	Darrow	Guyer, Kans.	McLean
Bulwinkle	Delaney	Hall, Edwin A.	McLeod
Burch	Dempsey	Hall, Leonard W.	McMillan, Clara
Burdick	Dies	Hennings	McMillan, John L.
Burgin	Dirksen	Hope	Marcantonio
Byrne, N. Y.	Ditter	Jenks, N. H.	Marshall
Byron	Douglas	Johns	Martin, Ill.
Caldwell	Drewry	Keller	Martin, Mass.
Chapman	Fay	Kelly	Mason
Clark	Ferguson	Kennedy, Michael	Merritt
Cluett	Fernandez	Kerr	Murdock, Utah

Myers	Risk	Smith, Ill.	Wadsworth
Norton	Rockefeller	Smith, W. Va.	Wallgren
O'Brien	Routzohn	Somers, N. Y.	Walter
Oliver	Sacks	Starnes, Ala.	Weaver
O'Toole	Sandager	Sullivan	Wheat
Pfeifer	Schaefer, Ill.	Summers, Tex.	White, Idaho
Pierce	Schwert	Sweeney	White, Ohio
Randolph	Shafer, Mich.	Taylor	Wigglesworth
Reece, Tenn.	Shanley	Treadway	Winter
Richards	Sheridan	Vreeland	Wood

The SPEAKER. Three hundred and five Members have answered to their names, a quorum.

Further proceedings under the call were dispensed with.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 5, line 5, strike out "\$7,500" and insert "\$5,000."

Mr. COSTELLO. Mr. Speaker, the purpose of this amendment is to reduce the amount of the appropriation authorized under this bill from \$7,500 to \$5,000. Five thousand dollars is the amount which was authorized by the committee. However, in this particular bill the committee, in its report, makes the statement that they are appropriating \$7,500 because it appears reasonable, due to the earning capacity and life expectancy of Mr. Trottnow. It seems to me rather a dangerous precedent for this Congress to embark upon, if we are going to place the basis of the compensation that we allow on bills of this character entirely on life expectancy and earning capacity. On that basis, if a person who was earning \$100,000 a year were to be killed in an automobile accident, then the Congress would be called upon to reimburse his widow in an amount proportionate to that earning capacity. I believe it is an unwise policy, and for that reason I have offered this amendment to reduce the amount to make it conform to the amount which is usually appropriated in cases of this character.

I personally feel that the bill itself should not have been passed. I state that because of the fact that the evidence as submitted by the committee's own report definitely shows that there were no "Stop" signs at the intersection of these two highways. On the contrary, approximately 250 feet away from the intersection were signs cautioning the drivers using these highways to slow down because of the nature of the dangerous curving intersection. The testimony of the man who was in the service station—not in the hamburger joint, but in the service station—definitely shows that he was watching the Government vehicle at the time it entered the intersection. He states that he saw that vehicle stop.

Mr. DISNEY. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. No; I do not yield.

Mr. DISNEY. Mr. Speaker, I make the point of order that this debate is not on the amendment but is an attempt to go back and debate the bill that has already been passed. I make the point of order that he has no right, in common fairness, to discuss the bill itself when his amendment relates solely to the question of the amount involved. You could not do that in court.

Mr. COSTELLO. Mr. Speaker, on the point of order that my amendment is an effort to reduce the amount of the bill from \$7,500 to \$5,000, in substantiation of that I have made the statement that it should be reduced because it is based on an unwarranted premise by the committee which would establish a dangerous precedent; and to further substantiate my argument that the amount should be reduced I am showing that the claim itself is not meritorious and that the amount being excessive should therefore be reduced.

Mr. DISNEY. Mr. Speaker, I make the point of order that in court that is known as pettyfogging.

The SPEAKER. The Chair is of the opinion that the gentleman from California is discussing an amendment to reduce the amount of the appropriation and is justified in discussing the original amount.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. HANCOCK. The gentleman from California [Mr. COSTELLO] is quoting the record itself. He is quoting from the sworn testimony.

Mr. DISNEY. And so did I.

Mr. COSTELLO. I am not surprised that the gentleman from Oklahoma [Mr. DISNEY] objects to having the evidence show that there were no stop signs on this highway, because the House has been led to believe that stop signs did exist on the highway. We have the statement of the Government driver, Craig, and we have also the statement of the Oklahoma police who investigated the accident to the effect that there were no stop signs at that intersection.

The facts show that the Government vehicle was not driving in excess of 10 miles an hour at the time of the accident. The facts also show according to the testimony of Mr. Lindley who was driving with Mr. Trottnow, that Mr. Trottnow was driving his car at approximately 35 miles an hour. Mr. Trottnow in his own statement, quoting the officer who investigated the accident, said that he was unable to avoid the accident at the time he saw the truck. He had been talking to Mr. Lindley in the car with him and said that he did not have an opportunity to stop when he first observed the truck. In other words, he came into a dangerous intersection without due caution; and to my mind the gentleman from New York was absolutely right in moving to strike out this title. I believe the claim is without merit, and certainly the Congress in passing this bill should not establish a dangerous precedent by allowing the beneficiary hereunder to receive compensation not merely for death but compensation based upon the earning capacity and life expectancy of the claimant, Mr. Trottnow, I hope the House will at least reduce the amount from \$7,500 to \$5,000 by adopting my amendment.

Mr. DISNEY. Mr. Speaker, let me appeal to the sense of fairness of the Members. Before this quorum call we decided against an amendment to strike out the title which carried \$7,500. In other words, the House by its action has decided that the claim is a proper claim, and I take it for granted that the Members here accept as final the action of the committee when it agreed to pass the bill.

The testimony shows that Mr. Trottnow was a comparatively young man. The testimony before the Claims Committee is to the effect that he made \$350 a month. If you were sitting as a district judge, you would have to instruct the jury that according to his life expectancy and his earning capacity at the time of his death he would be entitled to a verdict of as much as \$53,000. That is in the testimony. He would be entitled in district court to a verdict of not to exceed \$53,000—I think that is the figure; maybe it is \$56,000 or \$47,000; it is in that general neighborhood.

Now, based upon the merits of the claim, it becomes a question of whether or not you are going to allow \$5,000 or \$7,500. I take it for granted that the merits of the claim having been passed on, in all fairness you are not going back to the merits of the claim to determine whether or not you are going to allow \$5,000 or \$7,500. It becomes a question of whether or not the committee was wise in awarding \$7,500, not the attitude of one or two persons; that is not the judgment; the judgment of the committee was that in view of the fact that he was a young man and had a long life expectancy and high-earning capacity, and according to the committee report he left some young children who should be educated, that impelled the committee in its action. The House committee finally decided, after discussing this among themselves, upon two considerations that this family ought to have \$7,500.

The accident came about as a result of the fault of the truck driver. The fault was with the Government. This Congress within the last 30 minutes has decided that the fault was with the Government. Since the fault was with the Government, conclusively decided in this Chamber, then the matter of the amount, it seems to me, in all fairness can be left to the judgment of the Claims Committee.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. DISNEY. I yield.

Mr. SCHAFER of Wisconsin. Does the gentleman think it fair to say that Congress has decided that the full amount was in order when there were only about 32 Members present before the quorum call?

Mr. DISNEY. I did not say that. The gentleman puts words in my mouth that I did not say. I say that the matter of the merits of the claim was decided.

Mr. SCHAFER of Wisconsin. By 32 Members out of the entire body of 435?

Mr. DISNEY. How else can it be decided except by the rules of the House?

Mr. SCHAFER of Wisconsin. We might have something to say about that; we will decide that later in the day.

Mr. DISNEY. I appeal to the gentleman to remember that in this case a young girl is deprived of her opportunity to be in her station of life, to have an education, as the result of a reckless truck driver killing her father. Substantially that is what happened. I think it is wholly unfair in him, and I do not feel that my friend when he stops to reason with himself will differ with me. I will be ashamed of him if he votes for this amendment after this committee determined that question. They had all the facts before them, not just some fragmentary arguments pro and con. The committee took into consideration this child's welfare. I leave it to the gentleman from Wisconsin [Mr. SCHAFER] whether or not he will put his judgment against the judgment of the entire Claims Committee and award only \$5,000. This is an exceptional case.

[Here the gavel fell.]

The SPEAKER. The question is on the amendment offered by the gentleman from California.

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin) there were—ayes 22, noes 83.

So the amendment was rejected.

The title was amended so as to read: "A bill for the relief of Marie K. Trottnow, executrix of the estate of Alfred H. Trottnow, and Paul Lindley."

LESTER P. BARLOW

The Clerk read as follows:

Title IV—(H. R. 3683. To carry out the findings of the Court of Claims in the case of Lester P. Barlow against the United States.) By Mr. KENNEDY of Maryland

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lester P. Barlow, the sum of \$592,719.21, in full settlement of his aerial torpedo patent-infringement claim against the United States as found by the Court of Claims to be due him in its decision of June 7, 1937: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. THOMAS of New Jersey. Mr. Speaker, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. THOMAS of New Jersey: On page 6, line 1, strike out all of title IV.

Mr. THOMAS of New Jersey. Mr. Speaker, this bill proposes to pay the claimant, Lester P. Barlow, the goat bomb specialist, \$592,719.21, representing the loss of royalties on certain aerial bomb patents which the Court of Claims found to have been infringed as the result of the activities of the United States during the World War.

First of all, may I say that it is difficult for me to stand here and oppose this particular title because of the very high regard I have for the chairman of the Claims Committee and also for the members of the subcommittee who reported the bill. At the same time, if every Member of the House will just read the 27 pages of the report he or she will feel as I do about it; that is, it is not fair to come in here today and ask

us to pass a bill appropriating \$592,000 and only have 10 minutes in which to debate the issue.

Mr. RAMSPECK. Will the gentleman yield?

Mr. THOMAS of New Jersey. I yield to the gentleman from Georgia.

Mr. RAMSPECK. Did not the gentleman overlook the fact that the Congress previously passed a bill referring this matter to the Court of Claims and only because of an error in that bill are considering this bill at all? If the bill had been properly drawn the court would have rendered judgment and it would have been paid without any question by the Appropriations Committee.

Mr. THOMAS of New Jersey. That might be the case and it might not be the case. We are called upon here today to pass on whether or not we will appropriate \$592,000. May I say further that I realize this subcommittee spent 8 hours in determining the merits or demerits of this bill, but if it took the subcommittee 8 hours to determine whether or not it should approve this bill, certainly it is not fair to us to come in here and in 10 minutes be called upon to pay this goat specialist \$592,000. If you will read the report you will find that the governmental agencies that have been asked to make a report on this bill differ among themselves. You will find that while the Attorney General's office is in favor of it, the War Department is absolutely opposed to it and they give pages and pages of reasons for being opposed to it.

Mr. KENNEDY of Maryland. Will the gentleman yield?

Mr. THOMAS of New Jersey. Just as soon as I finish one statement. Some of the reasons they are opposed to this bill in a way are very similar to some of the things that we read about in the last test during which Mr. Barlow tried to blow up the goats. I doubt very much if the improvements on the bombs at that time which he invented during the World War were much an improvement over the bomb he had down there at the time he was trying to blow up the goats.

I now yield to the gentleman from Maryland.

Mr. KENNEDY of Maryland. Is it not true that the report of the committee will show that two high officials of the War Department testified before the committee that the Government did owe some money and owed it to somebody, that the findings of the Court were proper but failed to state to whom this money was due?

Mr. THOMAS of New Jersey. Yes; that is true. Some officials in the War Department did say some money was due Mr. Barlow, but it will also be recalled that they never said that \$592,000 was due Mr. Barlow.

Mr. KENNEDY of Maryland. The Court said that.

Mr. THOMAS of New Jersey. We are called upon here in 10 minutes to determine whether we will pay this goat specialist \$592,000. I am opposed to the bill. It ought to go to the Rules Committee and there given a rule and then it should be brought out here for unlimited debate. That is one of the reasons why I am opposed to the bill.

[Here the gavel fell.]

Mr. KENNEDY of Maryland. Mr. Speaker, I rise in opposition to the amendment offered by the gentleman from New Jersey.

Mr. Speaker, for nearly 8 years I have been a member of the Committee on Claims. For almost 6 years I have been its chairman. I have taken a certain amount of pride in the work of that committee. I have tried to perform my duties in a conscientious manner, protecting the Government in every way possible, and also I have tried to see that everyone who had proper claims against the Government was given justice.

I sponsored this bill. I have no particular interest in it other than to see that this man gets what the Congress years ago directed him to have, and that is justice. This is not a bill to merely authorize the payment of the money based on the facts just being brought out today. Years ago the Congress passed a bill authorizing the Court of Claims to hear and determine whether or not Mr. Barlow had a claim against the Government. The court considered the claim and took testimony.

A representative of the Attorney General's office appeared before the Committee on Claims, and the report will show this to be true, and testified that the Government had its day in court, had the opportunity to submit to the court every defense it had, and that this claim should be paid.

As stated by the gentleman from Georgia [Mr. RAMSPECK], if it were not for a technical error in the original bill, this claim would have been paid years ago, not only for the \$592,000 plus, but as determined by the court and as instructed by the court for over a \$100,000 interest in addition to said sum. Following the committee custom, we declined to allow any interest. The situation today is that this man is simply being paid the amount of money designated by the court as due him, less over a \$100,000 in interest.

Mr. KEEFE. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Maryland. I yield to the gentleman from Wisconsin.

Mr. KEEFE. Is it not a fact that at the hearings of the subcommittee Mr. Holtzoff, who tried this case before the Court of Claims representing the Government, testified as follows:

I feel, representing the Department of Justice, that we are bound by the court's findings, and I have no argument to present why they should not be given effect and no reason to suggest why they should not be given effect.

On page 46 of the committee report, Major Richmond, representing the War Department, testified that it was the opinion of the War Department that Barlow was entitled to an award, but that they would not state how much, and left it entirely to the committee to decide; and we were bound by the findings of the Court of Claims in justice as to the amount. Is not that a fact?

Mr. KENNEDY of Maryland. That is absolutely correct.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Maryland. I yield to the gentleman from Pennsylvania.

Mr. EBERHARTER. Following up what the gentleman from Wisconsin has just said, I call the attention of the Members to the fact that after the Court of Claims found the claim of Mr. Barlow was meritorious, an accounting question arose and the court appointed a commissioner. This commissioner sat down with representatives from the Department of Justice and the War Department, and representatives of the claimant, and they agreed on an amount which was to be paid for a certain number of these bombs. In a letter from the Assistant Attorney General in charge of claims before the Court of Claims, he said this:

The offer contained in your letter of August 31, 1936, to Mr. Alexander Holtzoff of this Department, has been submitted to the War Department, which has recommended its acceptance.

Further, the court's opinion stated with relation to the other bombs:

The royalty of 10 percent fixed by the court's finding 4 is arrived at by accepting the sums the parties agreed upon in the license contract.

This shows that Mr. Barlow is entitled to every cent called for in this bill, and in addition, if the court's findings were followed, he would be entitled to \$120,000 as interest.

Mr. KENNEDY of Maryland. That is absolutely correct.

Mr. PITTINGER. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Maryland. I yield to the gentleman from Minnesota.

Mr. PITTINGER. May I say to the Members of this House that I have no personal interest in this bill, but I am interested in preserving the integrity of the Committee on Claims. With the gentleman from Maryland [Mr. KENNEDY] as chairman of the Committee on Claims, the Members of the House can feel sure that a bill that does not have merit does not get his O. K. [Applause.] We have had no abler chairman of any committee in this House than the gentleman from Maryland. The amount of the bill makes no difference. The question that concerns you is backing up the Committee

on Claims, which has twice heard this claim and has twice made a unanimous report that this man ought to be paid.

Mr. KENNEDY of Maryland. I thank the gentleman.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and include therein an address I made over the radio a few nights ago.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

SECOND OMNIBUS CLAIMS BILL

LESTER P. BARLOW

The SPEAKER. The question is on the amendment offered by the gentleman from New Jersey [Mr. THOMAS] to strike out the section.

The question was taken; and on a division (demanded by Mr. THOMAS of New Jersey) there were—ayes 18, noes 76.

Mr. THOMAS of New Jersey. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER. Obviously a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 73, nays 193, not voting 163, as follows:

[Roll No. 197]

YEAS—73

Angell	Grant, Ala.	Ludlow	Sweet
Beckworth	Gross	Magnuson	Taber
Blackney	Halleck	Mahon	Tarver
Boren	Hancock	Monroney	Thill
Brown, Ga.	Harter, N. Y.	Mott	Thomas, N. J.
Buckler, Minn.	Hoffman	Nelson	Thomason
Byrns, Tenn.	Holmes	Norrell	Thorkelson
Cannon, Mo.	Horton	Osmer	Tibbott
Carter	Johnson, Ind.	Pierce	Tinkham
Cochran	Johnson, Okla.	Powers	Van Zandt
Cole, Md.	Jones, Ohio	Reed, N. Y.	Vinson, Ga.
Colmer	Kean	Rich	Voorhis, Calif.
Costello	Kinzer	Romjue	Warren
Durham	Kitchens	Schafer, Wis.	Whittington
Dworshak	Kunkel	Schiffler	Williams, Del.
Fish	Landis	Smith, Ill.	Wolverton, N. J.
Gerlach	Lanham	Springer	
Gillie	LeCompte	Stefan	
Gore	Lewis, Colo.	Sumner, Ill.	

NAYS—193

Alexander	Dickstein	Hunter	Moser
Allen, La.	Dingell	Izac	Mouton
Andersen, H. Carl	Dondero	Jacobsen	Mundt
Anderson, Calif.	Doughton	Jarrett	Murdock, Ariz.
Anderson, Mo.	Duncan	Jenkins, Ohio	Murray
Austin	Dunn	Jennings	O'Connor
Ball	Eaton	Johnson, Ill.	O'Day
Barnes	Eberharter	Johnson, Luthera.	O'Leary
Bell	Edelstein	Johnson, Lyndon	Oliver
Bender	Elliott	Johnson, W. Va.	Patman
Bland	Elston	Jones, Tex.	Patrick
Bloom	Engel	Jonkman	Patton
Boland	Englebright	Kee	Pearson
Bolles	Evans	Keefe	Peterson, Fla.
Boykin	Fenton	Kefauver	Peterson, Ga.
Bradley, Mich.	Flannagan	Keller	Pittenger
Brooks	Fries	Kennedy, Martin	Plumley
Brown, Ohio	Gamble	Kennedy, Md.	Poage
Buck	Gathings	Keogh	Polk
Camp	Gearhart	Kilday	Rabaut
Cannon, Fla.	Gehrmann	Kieberg	Ramspeck
Carlson	Geyer, Calif.	Knutson	Rankin
Cartwright	Gilchrist	Kocalkowski	Rayburn
Case, S. Dak.	Goodwin	Kramer	Reed, Ill.
Casey, Mass.	Gossett	Lea	Rees, Kans.
Chipfield	Graham	Leavy	Robinson, Utah
Church	Grant, Ind.	Lesinski	Robison, Ky.
Clason	Green	McAndrews	Rodgers, Pa.
Claypool	Griffith	McCormack	Rogers, Mass.
Clevenger	Gwynne	McGehee	Rogers, Okla.
Coffee, Wash.	Harrington	McKeough	Rutherford
Cole, N. Y.	Hart	McLaughlin	Sasser
Cooper	Hartley	Maloney	Scruggam
Courtney	Havener	Mansfield	Secombe
Cox	Hawks	Martin, Iowa	Secret
Cravens	Hendricks	Mason	Shannon
Crawford	Hennings	Massingale	Sheppard
Cullen	Hess	Michener	Short
Cummings	Hill	Miller	Simpson
Curtis	Hinshaw	Mills, Ark.	Smith, Maine
D'Alesandro	Hook	Mills, La.	Snyder
Darden, Va.	Houston	Mitchell	South
Davis	Hull	Monkiewicz	Sparkman

Spence	Tolan	West	Woodruff, Mich.
Stearns, N. H.	Vorys, Ohio	Whelchel	Youngdahl
Sutphin	Wallgren	White, Idaho	Zimmerman
Talle	Walter	Williams, Mo.	
Tenerowicz	Ward	Wolcott	
Terry	Welch	Wolfenden, Pa.	

NOT VOTING—163

Allen, Ill.	Dempsey	Johns	Risk
Allen, Pa.	DeRouen	Kelly	Robertson
Andresen, A. H.	Dies	Kennedy, Michael	Rockefeller
Andrews	Dirksen	Kerr	Routzohn
Arends	Disney	Kilburn	Ryan
Arnold	Ditter	Kirwan	Sabath
Barden, N. C.	Douglas	Lambertson	Sacks
Barry	Doxey	Larrabee	Sandager
Barton, N. Y.	Drewry	Lemke	Satterfield
Bates, Ky.	Edmiston	Lewis, Ohio	Schaefer, Ill.
Bates, Mass.	Ellis	Luce	Schuetz
Beam	Faddis	Lynch	Schulte
Boehne	Fay	McArdle	Schwert
Bolton	Ferguson	McDowell	Shafer, Mich.
Bradley, Pa.	Fernandez	McGranery	Shanley
Brewster	Fitzpatrick	McGregor	Sheridan
Bryson	Flaherty	McLean	Smith, Conn.
Buckley, N. Y.	Flannery	McLeod	Smith, Ohio
Bulwinkle	Folger	McMillan, Clara	Smith, Va.
Burch	Ford, Leland M.	McMillan, John L.	Smith, Wash.
Burdick	Ford, Miss.	Maas	Smith, W. Va.
Burgin	Ford, Thomas F.	Maclejewski	Somers, N. Y.
Byrne, N. Y.	Fulmer	Marcantonio	Starnes, Ala.
Byron	Garrett	Marshall	Stegall
Caldwell	Gartner	Martin, Ill.	Sullivan
Celler	Gavagan	Martin, Mass.	Sumners, Tex.
Chapman	Gifford	May	Sweeney
Clark	Gregory	Merritt	Taylor
Cluett	Guyer, Kans.	Murdock, Utah	Thomas, Tex.
Coffee, Nebr.	Hall, Edwin A.	Myers	Treadway
Collins	Hall, Leonard W.	Nichols	Vincent, Ky.
Connery	Hare	Norton	Vreeland
Cooley	Harness	O'Brien	Wadsworth
Corbett	Harter, Ohio	O'Neal	Weaver
Creal	Healey	O'Toole	Wheat
Crosser	Hobbs	Pace	White, Ohio
Crowe	Hope	Parsons	Wigglesworth
Crowther	Jarman	Pfeifer	Winter
Culkin	Jeffries	Randolph	Wood
Darrow	Jenks, N. H.	Reece, Tenn.	Woodrum, Va.
Delaney	Jensen	Richards	

So the amendment was rejected.

The Clerk announced the following pairs:
Until further notice:

Mr. Boehne with Mr. Treadway.
Mr. Coffee of Nebraska with Mr. Allen of Illinois.
Mr. Cooley with Mr. Martin of Massachusetts.
Mr. Dempsey with Mr. Bolton.
Mr. Folger with Mr. Winter.
Mr. Gavagan with Mr. Smith of Ohio.
Mr. Drewry with Mr. Risk.
Mr. Hare with Mr. Lambertson.
Mr. Ford of Mississippi with Mr. Kilburn.
Mr. Hobbs with Mr. Jeffries.
Mr. Jarman with Mr. Gartner.
Mr. Kerr with Mr. Culkin.
Mr. Woodrum of Virginia with Mr. Douglas.
Mr. Thomas of Texas with Mr. Guyer of Kansas.
Mr. Weaver with Mr. Edwin A. Hall.
Mr. Sullivan with Mr. Hope.
Mr. Robertson with Mr. Lemke.
Mr. Pfeifer with Mr. Marshall.
Mr. Starnes of Alabama with Mr. Johns.
Mr. May with Mr. Jenks of New Hampshire.
Mr. Randolph with Mr. Reece of Tennessee.
Mr. Smith of Virginia with Mr. O'Brien.
Mrs. Clara G. McMillan with Mr. Lewis of Ohio.
Mr. Satterfield with Mr. McGregor.
Mr. Kelly with Mr. Maas.
Mr. Barden of North Carolina with Mr. Andrews.
Mr. Arnold with Mr. Brewster.
Mr. Clark with Mr. Cluett.
Mr. Bulwinkle with Mr. Wigglesworth.
Mr. Dies with Mr. Vreeland.
Mr. Beam with Mr. Wadsworth.
Mr. Ferguson with Mr. Shafer of Michigan.
Mr. Collins with Mr. Routzohn.
Mr. Doxey with Mr. Sandager.
Mr. Burch with Mr. McLeod.
Mr. Fitzpatrick with Mr. Jensen.
Mr. Harter of Ohio with Mr. McLean.
Mr. Michael J. Kennedy with Mr. Wheat.
Mr. Fulmer with Mr. Luce.
Mr. John L. McMillan with Mr. Bates of Massachusetts.
Mr. Lynch with Mr. Arends.
Mr. Martin of Illinois with Mr. White of Ohio.
Mr. Pace with Mr. Rockefeller.
Mr. O'Toole with Mr. H. Carl Andersen.
Mr. Richards with Mr. Barton of New York.
Mr. Schuetz with Mr. Corbett.
Mr. Kirwan with Mr. Burdick.
Mr. Smith of Washington with Mr. Crowther.
Mr. Fernandez with Mr. Ditter.

Mr. DeRouen with Mr. Leland M. Ford.
Mr. Creal with Mr. Gifford.
Mr. Barry with Mr. Dirksen.
Mr. Crosser with Mr. Leonard W. Hall.
Mr. Sweeney with Mr. McDowell.
Mr. Burgin with Mr. Harness.
Mr. Chapman with Mr. Marcantonio.
Mr. Edmiston with Mr. Darrow.

The result of the vote was announced as above recorded.

EXTENSION OF REMARKS

Mr. WHITE of Idaho asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an article from the American Jewish World.

The SPEAKER pro tempore [Mr. WARREN]. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SMITH of Illinois. Mr. Speaker, I ask unanimous consent to put into the Appendix of the RECORD an address I recently gave over the Mutual Broadcasting System.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the question of Bullitt and Bergdoll, Philadelphia draft dodgers, and to include certain excerpts of record which are necessary to develop my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent that on tomorrow, after the disposition of matters on the Speaker's table, and the special orders heretofore entered, I may be permitted to address the House for 45 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SECOND OMNIBUS CLAIMS BILL

LESTER P. BARLOW

Mr. COCHRAN. Mr. Speaker, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: On page 6, line 8, strike out "\$592,719.21" and insert "\$250,000."

Mr. COCHRAN. Mr. Speaker, many Members of the House seem to be of the opinion the Congress is required to appropriate money after the Court of Claims has made a report on a resolution directing the court and granting jurisdiction to the court to investigate a claim against the Government and report its findings. Such is not the case, because if it were this bill would not contain the amount that it now contains, but would also contain the amount that the court said should be paid as interest.

I have offered an amendment to reduce this amount to \$250,000. I think it is fair because no one can read this report and say that the evidence does not show many points in favor of the Government as well as points in favor of the claimant.

You can read on page 26 of the report in the letter of the Secretary of War, where the Secretary states:

On numerous occasions Mr. Barlow made to the War Department officials a desire to waive any financial returns that might come to him.

In other words, he told the War Department officials he would be willing to waive any financial returns.

My interest in this claim develops from a letter I received from the Secretary of War. Let me read in part what the Secretary of War told me. I have here his letter. He said:

In this connection it should be noted that the inventions were made at a Government arsenal after Mr. Barlow had been given

access to all confidential data and advice by Government experts who were likewise engaged in making designs in the same field. For that reason it was believed impossible to determine whether Mr. Barlow was in fact the inventor.

I do not doubt that the subcommittee went into this matter very fully. I do not doubt that the Claims Committee went into the matter very fully, but I say there is grave doubt in my mind as to whether the Government of the United States owes this tremendous amount of money to a man who back during the period of war, certainly, from patriotic motives, told the Secretary of War that he would be willing to waive any financial benefits that might come to him, and that is in your report. They are not my words.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman.

Mr. EBERHARTER. In the first place, that report, in speaking about the waiver, refers to some bombs that were invented before this claim arose and refers to altogether different bombs from those involved in this issue, and will the gentleman please answer this question: How does the gentleman arrive at a basis for paying this man \$250,000?

Mr. COCHRAN. To give the man the benefit of the doubt and to give the taxpayers of the country a little break.

Mr. EBERHARTER. In other words, the gentleman has no basis whatever for his amount of \$250,000?

Mr. COCHRAN. I explained why I offered the amendment. I do not yield any further. Let me tell you something about the bombs, and I want someone to contradict me if the information is not true. The bombs were sent abroad to France and the War Department tells me that the French and the English bombs were so far superior that the Barlow bombs were only used for target practice.

Mr. EBERHARTER. I will answer the gentleman's question.

Mr. COCHRAN. I will ask the chairman of the committee whether or not that statement is true. The statement comes from the War Department.

Mr. KENNEDY of Maryland. I did not hear all of the gentleman's statement.

Mr. EBERHARTER. I shall answer the gentleman. The gentleman is referring to the same bombs I mentioned a few moments ago that are not involved in this case whatsoever. Those were known as the Barlow bombs that were sent to Europe before these later bombs were manufactured.

Mr. COCHRAN. How do we know that the bombs you refer to were really valuable? The new bomb Barlow recently had did not kill the goats. You pass this bill and the taxpayers of the United States are going to be the goats. [Laughter and applause.]

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. KENNEDY of Maryland. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. RAMSPECK].

Mr. RAMSPECK. Mr. Speaker, if I may have the attention of the Members of the House, I have no interest in this matter except the interest that I have in the Claims Committee and the work of the Claims Committee. I have been a member of that committee for almost 11 years. I say to you as I have said before, that I think more often than not the Government is totally unfair to people who have meritorious claims presented to that committee. The departments nearly always recommend against the payment of the claim, as the War Department has done in this case. This case was originally referred to the Court of Claims by act of Congress, and the court was directed to hear the evidence and to make a determination of the law and the facts and report back to the Congress. If you will turn to page 44 of the report, you will find that the very able, distinguished gentleman from New York [Mr. KEOGH], a member of the subcommittee, asked these questions of the attorney for the Department of Justice who represented the Government in this case before the Court of Claims.

Mr. KEOGH. Do you think the Government had an opportunity and availed itself of all defenses, general or special, it had in this case?

Mr. HOLTZOFF. Yes. While I did not agree with some of the rulings of the court, nevertheless I feel I was given every opportunity to present my contentions, and I know the court gave them thorough consideration.

Mr. KEOGH. What I would like to know is whether there is any reason why this award, as it is called, should not be upheld.

Mr. HOLTZOFF. I do not like to make a categorical answer, yes or no. I would like to say this, that this case was contested very strenuously by the Government. We presented a number of defenses, which we thought were valid, some going to the validity of the patent, some going to the title, and some going to other points. The court sustained us as to one of the six patents and threw it out and ruled against us as to the others.

We had a considerable contest as to the amount of the recovery, and the court allowed a much larger amount than we claimed was due. But I must say that we had an opportunity to present all of the evidence that we were able to secure, and an opportunity to present all defenses at length that seemed to us to be available, and, therefore, I feel that we had our day in court. And, irrespective of whether we agree with the decision or not, the Court of Claims was the tribunal established by law to make findings, and we submit to those findings and abide by them.

The gentleman from Missouri refers to what the War Department said to him. I have not the time to go into that, but I submit as a matter of common decency and justice to a citizen of the United States, that the War Department had its day in court before the Court of Claims, and that it is beneath the dignity of a great agency of this Government to come here surreptitiously and give information to a Member of Congress in contravention to a decision of a court set up by the Congress to render judgment in this matter. The only reason this bill is here today is because whoever drafted the bill in the first place failed to include in it, by technical error, the right to render judgment after the court found the law and the facts. Gentlemen know the procedure. If this bill had said, "render judgment," it would have been certified to the Committee on Appropriations and paid without any question. So all we have here today is the question of whether we are going to abide by the decision of the Court of Claims. Surely no man on this floor would say that the Court of Claims was not fair to the Government of the United States. They heard this case, they rendered three separate decisions, first on the question of the validity of the patents, second on the question of infringement, and third on the determination of the amount involved, and then they certified the result to the Congress of the United States, and this committee has eliminated the interest, to which the court said this man was entitled, and we have in this bill only the principal which the court said was the amount Mr. Barlow is entitled to because of the infringement of his patents. We ought to sustain the action of that honorable court. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

Title V—(H. R. 4017. For the relief of John P. Shorter.) By Mr. BLAND

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to John P. Shorter, of Newport News, Va., the sum of \$7,750, the same being \$2,750 in full satisfaction of his claim against the United States Government for expenses incurred by reason of collision with a Civilian Conservation Corps truck, on June 20, 1936, and the additional sum of \$5,000 in full satisfaction of his claim for permanent injuries sustained by reason of the aforesaid collision, the said collision being due to the wrongful and negligent operation of said truck of the United States by its agents or employees.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John P. Shorter, of Newport News, Va., the sum of \$3,500, in full settlement of all claims against the United States for expenses and injuries sustained as a result of a collision involving a United States Civilian Conservation Corps truck, on June 20, 1936: *Provided*, That no part of the amount appropriated in this act in

excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The SPEAKER pro tempore. Without objection the committee amendment will be agreed to.

There was no objection, and the committee amendment was agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Mr. COSTELLO moves to strike out all of title V.

Mr. COSTELLO. Mr. Speaker, the present bill is an accident case involving a C. C. C. truck. It provides for the payment of \$3,500 to John Shorter, who was injured while riding a motorcycle and who had a collision with this C. C. C. truck. Mr. Shorter was apparently driving behind the C. C. C. truck, proceeding at a normal rate of speed. The driver of the C. C. C. truck gave a signal to turn off the highway and proceeded to do so. The point at which he turned off the road was a driveway and not a regular crossroad or cross-highway of any character. The road was not particularly well marked. The claimant in this case, on a motorcycle, was not anticipating such a turn and did not see the signal given. As a result a collision ensued and the claimant did suffer injuries.

The only question that is involved is whether the Government should be held responsible, in view of the fact that the driver of the C. C. C. truck had used normal precaution in giving the proper signal at the time of making his turn off the highway.

That, I believe, is the only question that is involved before the House in this connection. In view of the fact that this was on the Private Calendar and objected to at that time, I offer this motion to strike out the title in order that the House may determine whether or not it desires to make payment under such circumstances.

[Here the gavel fell.]

Mr. BLAND. Mr. Speaker, I rise in opposition to the amendment. In order that the facts may be fully before the House, I have been through the record very carefully, and I am going to read this statement:

On June 30, 1936, Shorter was injured in a collision between his motorcycle and a Government truck driven by a Civilian Corps enrollee accompanied by seven other enrollees, all colored.

The truck and motorcycle were going in the same direction on a straight road with unobstructed view for several miles. Shorter blew to pass, and the truck suddenly and simultaneously turned left in front of Shorter to enter a dirt road, little more than a bypath, 6½ feet wide, intersecting the highway at right angles, unmarked by any sign, and concealed by grass and weeds. Shorter was compelled to turn left also, and struck the front left fender.

Shorter was a ship's carpenter earning good wages in the shipyard. He suffered a compound fracture of the right leg and other injuries. The shattered bones protruded. He can only hobble now. His occupation is gone. The doctor says he can never work again at his trade. He was in bed 6 months and incurred \$650 in bills; he lost \$1,850 in wages, and his cycle of \$250 value. The \$3,500 allowed him barely covers expenses and lost wages.

When the accident occurred, another car with two passengers approached from the opposite direction. Another car going in the same direction had just passed Shorter and the truck. It cut in front of the truck to avoid the approaching car. When the truck cut in front of Shorter, he had to turn left also for the approaching car had to turn left on Shorter's right to avoid a collision. Shorter could not turn that way.

Was any turning signal given? The truck driver, two others in the truck, with another witness, say "Yes." These colored people, without any cross-examination, being interviewed by an officer of the Government, appeared one right after another, and three of them testified to the same thing but the others all did not say that. Other witnesses say positively that no signal was given. Shorter, the injured man, Miss Porter, who was with him on the motorcycle, and the passengers in the approaching car, who were particularly vigilant, say that no signal was given. These two were facing the truck and facing the approaching motorcycle. One car, coming the same way as the truck and the motorcycle,

had passed them. These two say positively they were watching and the turning signal was not given.

The affidavits of the enrollees are about word for word the same, except that five out of eight say nothing about a signal having been given. Almost all of the enrollees say they saw no other traffic on the road at that time, yet the undisputed evidence shows one car coming toward the truck, another had just passed the truck; the motorcycle was there, and another car had passed shortly before. The result is that the enrollees say there was no other traffic, but the undisputed evidence shows that there were two other cars and the motorcycle fairly close to the truck.

There was something said in the evidence about the motorcycle having attained considerable speed, as was shown by its speedometer after the accident. The gentleman from California has said nothing about it. The speedometer was one of those which has two indicators; one shows the maximum speed allowed at any time, and the other the current speed. The speedometer is attached to the rear wheel. When the rear wheel left the ground in the accident, the accelerated revolutions caused it to show an increased speed, and the maximum indicator remained at that speed until a button was pressed. One witness said that in all accidents of this kind the maximum-speed indicator will show a high speed due to the accelerated revolutions of the rear wheel when lifted from the ground. Shorter and Miss Porter say he was not going fast, and another driver who had passed says Shorter could not have been going at a great speed or he would have gotten farther down the road than he did.

The complete evidence was not before the War Department. They did not have these affidavits at first, and when they were submitted to it, the War Department itself saw it wise to submit all this testimony to the committee and to refer to the committee the decision as to negligence. The committee has decided. The evidence of witnesses who had no interest in the result of the claim, who were not in the truck, who were not enrollees, and who were charged with the duty of looking out for signals, shows that no signal was given at the time this truck turned into this blind road which was wholly unmarked. There was nothing to indicate the intersection. According to the evidence, grass had so grown up that it concealed the intersecting road, and that an approaching car could not see that there was an intersecting road.

The evidence is irresistible in showing Shorter entirely free from negligence and that the turning signal was not given.

I ask that the claim be allowed.

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from California [Mr. COSTELLO].

The amendment was rejected.

The Clerk read as follows:

Title VI—(S. 760. For the relief of Mrs. Guy A. McConoha)

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Guy A. McConoha, of Poplar, Mont., the sum of \$425.50 in full satisfaction of all claims of such Mrs. Guy A. McConoha against the United States resulting from the loss sustained by her when dispossessed by the Government of a certain Ford automobile purchased with a like sum by the said Mrs. Guy A. McConoha, such automobile, without her knowledge, having been previously forfeited to the United States under the internal-revenue laws and laws relating to the suppression of the traffic in intoxicating liquors among the Indians; *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Beginning in line 14, page 8, strike out the proviso and insert: "That no part of the amount appropriated in this act in excess of

10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

Mr. HANCOCK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Mr. HANCOCK moves to strike out all of title VI, on page 8, line 1.

Mr. HANCOCK. Mr. Speaker, the report on this bill is rather meager, but the facts I think are simple. It seems that in 1929, while a bootlegger was transporting intoxicating liquor into an Indian reservation in Montana, his car was seized by Government agents. During prohibition days automobiles used in transporting liquor were subject to seizure and forfeiture to the Federal Government.

The car was turned over to the Ford agent in a village in Montana for temporary safekeeping, for storage. The agent proved to be a crook. He sold the car to an innocent purchaser, the claimant in this case.

When the Government agents discovered that the car had been sold they repossessed the car, completed the forfeiture proceedings, and then sold the car according to law. The woman who was victimized by the dishonest Ford salesman is now asking to be reimbursed by the Government for what she paid.

I cannot see that there is any liability on the part of the Government. She, of course, has a good cause of action against that Ford agent, and I think he is probably liable to criminal prosecution; but there is no sound legal theory under which the Federal Government can be held responsible for the loss this woman sustained.

Mr. O'CONNOR. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, this bill involves \$425.50 to reimburse a lady at Poplar, Mont., for loss sustained by her in being dispossessed of an automobile she purchased in good faith from an automobile agent at Poplar, Mont.

The gentleman from New York has not stated all of the facts. This car was being used by a bootlegger to bootleg whisky in an Indian agency in Montana. While the bootlegger was so engaged, a special officer of the Indian agency at Fort Peck seized the car and took possession of it, but the officer released the car on a bond given to him apparently by the attorney, or furnished by the attorney, for the company that sold the car to Mrs. McConoha.

The claim against the United States Government is based upon the fact that it was a United States agent or officer—a representative of the United States Government who permitted this car to get out of his possession without any authority. It is true he accepted some sort of bond, but he had no authority to accept the bond. The bond proved no good.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. A little later, if the gentleman will pardon me.

In addition to that fact, the Department of Justice points out—and it is in the report:

This loss may be traced to the unauthorized release of the seized car by a representative of the United States Government.

Mr. RAMSPECK. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. RAMSPECK. The claimant in this case, as I understand it, attempted to recover from the man from whom she purchased the car but he had gone out of business and the judgment was invalid.

Mr. O'CONNOR. Exactly. I thank the gentleman. Not only that, but she paid out \$150 attorney's fees trying to recover for the loss of the car she purchased because of the neglect and of the act of the agent of the United States Government. The case is clear, it seems to me.

There is not a scintilla of evidence before the Committee on Claims that this claimant did not act in good faith in

the purchase of the car. Let me point out to the Members that the Committee on Claims passed this bill out twice. The bill passed the United States Senate in the Seventy-fourth and Seventy-fifth Congresses. I do not need to extol this committee before the Members of this House. It has as high a standing as any committee of the House and is chair-manned by as able, as fine, as sincere, thorough, and honest a gentleman as holds a seat in this House, the gentleman from Maryland [Mr. KENNEDY]. [Applause.] I want to point out that the committee studied this bill, and twice I appeared before the committee on the merits of the bill and on the question the gentleman from Georgia asked. She could not recover from the man who sold her the car wrongfully, because he was insolvent, and, not being able to recover from him, she has the right to recover from the United States Government because of the unauthorized act of the officer. There is no reason why this bill should not be allowed. It is a just claim and it is due her because of the facts I am stating.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. HANCOCK. On what ground was the plaintiff denied relief against the Ford agency?

Mr. O'CONNOR. She recovered judgment, but her judgment is not collectible.

Mr. HANCOCK. She did have a legal claim?

Mr. O'CONNOR. She tried to assert her legal claim.

Mr. HANCOCK. But the man was insolvent.

Mr. O'CONNOR. Yes; there is no question of her right of action against the Federal Government, because the claim grows out of the original wrongful act of a representative of the United States Government releasing the car in the first place. He had no authority to do it, but he did it, and as a result the car got into the hands of an innocent purchaser. I say therefore that she is entitled to recover from the Government. I might add that the Government repossessed the car from the claimant and sold it for \$415 and now has the money. This is one bill that will not really cost the Government anything, and I express the hope that the amendment will be defeated.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

SUNCREST ORCHARD, INC.

The Clerk read, as follows:

Title VII—(S. 927. To confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of Suncrest Orchards, Inc.)

That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment upon the claim of Suncrest Orchards, Inc., against the United States for damages for the alleged wrongful seizure of certain fruit shipped in interstate commerce during the year 1926.

SEC. 2. Such claim may be instituted at any time within 2 years after the passage of this act, notwithstanding the lapse of time or any statute of limitations. Proceedings in any suit before the Court of Claims under this act, and appeals therefrom, and payment of any judgment thereon, shall be had as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code as amended.

Mr. COSTELLO. Mr. Speaker, I offer an amendment which I send to the Clerk's desk.

The Clerk read, as follows:

Amendment offered by Mr. COSTELLO: Strike out all of Title VII.

Mr. COSTELLO. Mr. Speaker, my amendment would strike out title VII of the pending bill, which would authorize the Suncrest Orchard, Inc., to go to the Court of Claims to sue the Government because of the fact it lost several shipments of fruit which the Department of Agriculture held up pending inspection. The cause of action arose back in 1926. The Department of Agriculture found that much of the fruit shipped by the claimant was adulterated by an arsenic residue and because of this was dangerous to public health.

The claimant has previously had a trial on the merits of this case, and the jury found in favor of the Government and

against the claimant. I heard it argued here at great length the fact that in view of a judgment of a court against the Government, this Congress should not stand up and refuse to authorize payment of a claim or, as in the previous case of Mr. Barlow, permit the claimant to go back to the Government and obtain his judgment. Now you have the reverse of the situation.

The claimant has already been to court and has failed to recover judgment, and yet you are asked to allow him to go back to the Court of Claims in order that he may have further opportunity to collect from the Government.

The amount of the claim involved here is \$76,000. In my opinion, the claimant does not have a valid claim. The Department of Agriculture was merely carrying out its proper function. The fruit which it withheld was, as they found, actually so adulterated by the arsenic residue from sprays as not to be satisfactory for public consumption.

Mr. LANHAM. Will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Texas.

Mr. LANHAM. If we were to assume that the claim was altogether just, what reason would there be even under such circumstances to have the provisions of section 2 allowing the institution of suit at any time within 2 years after the passage of this act, thus obviating the lapse of time in the operation of the statute of limitations?

Mr. COSTELLO. I am frank to state to the gentleman I do not know why a period of 2 years has been allowed. Ordinarily only a 6 months' period is granted. Perhaps it may not be fair to the claimant to make the statement, but I believe the party in interest here is in the penitentiary by reason of other violations of the pure food and drug laws. It may be on that account that the 2-year period is put into this bill in order to give him ample opportunity to exercise his civil rights.

[Here the gavel fell.]

Mr. MOTT. Mr. Speaker, I rise in opposition to the amendment offered by the gentleman from California [Mr. COSTELLO].

Mr. Speaker, if the Members present will read the letter of Mr. Llewellyn A. Banks, who, with his family, was the owner of the Suncrest Orchards, which appears on the last page of the report, I am sure they will be convinced of the fact that the gentleman from California [Mr. COSTELLO] was in error in both observations upon this bill. In the first place, the Department of Agriculture is not opposing this bill. This bill gives jurisdiction to the Court of Claims to hear and determine the claim of the Suncrest Orchards against the United States, and the letter from the Acting Secretary of Agriculture states very plainly that the Department has no objection to the bill and that it does not intend to offer any objection.

The facts are as follows: Back in 1926 the Suncrest Orchards, of Medford, Oreg., shipped 100 carloads of pears to the Atlantic seaboard for export to France and Great Britain. While these pears were in transit the Department of Agriculture instituted a series of suits, and those suits are referred to in the letter of the Secretary of Agriculture. Those suits were not suits in the Court of Claims at all. They were suits to confer upon the Department of Agriculture jurisdiction to seize these pears, to examine them, and to find out whether the arsenic spray coating on them was heavier than that permitted by law. The Government seized these pears and found out that they were too heavily sprayed. It then became the duty of the Government under the law to return these pears or to release them to the owner so that he might reprocess them in such manner as to make the arsenic-spray content conform to the law. Instead of doing that, however, the very careless agents of the Department of Agriculture held these cars up for 10 days in the hottest part of the summer without re-icing them, and they thereby ruined the entire 100 carloads of pears.

This bill is to permit the Suncrest Orchards, Inc., now to present its case to the Court of Claims in order to ascertain whether the Government owes this corporation anything in

damages. That is all it amounts to. I do not see how there can be any legitimate objection to the enactment of the bill.

[Here the gavel fell.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. COSTELLO].

The amendment was rejected.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the omnibus bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin) there were—ayes 99, noes 12.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object to the vote on the ground there is not a quorum present. I have some respect for our bankrupt Treasury.

The SPEAKER pro tempore. Obviously there is not a quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify the absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 180, nays 86, not voting 163, as follows:

[Roll No. 198]

YEAS—180

Allen, La.	Eaton	Kefauver	Plumley
Anderson, Calif.	Eberhart	Keller	Poage
Angell	Edelstein	Kennedy, Martin	Rabaut
Arends	Elliott	Kennedy, Md.	Ramspeck
Austin	Ellis	Keogh	Rayburn
Ball	Engel	Kilday	Reed, Ill.
Barnes	Fenton	Knutson	Robertson
Bell	Gamble	Kocalkowski	Robinson, Utah
Bender	Gathings	Kramer	Robison, Ky.
Blackney	Gearhart	Lea	Rogers, Mass.
Bland	Gehrmann	Leavy	Rogers, Okla.
Bloom	Geyer, Calif.	Lesinski	Rutherford
Boland	Gilchrist	McAndrews	Sasser
Boren	Gillie	McCormack	Satterfield
Boykin	Goodwin	McGehee	Secombe
Bradley, Mich.	Gossett	McKeough	Secrest
Brooks	Graham	McLaughlin	Shannon
Brown, Ga.	Grant, Ala.	Magnuson	Smith, Ill.
Brown, Ohio	Green	Maloney	Smith, Maine
Camp	Gregory	Mansfield	Smith, Wash.
Cannon, Fla.	Griffith	Martin, Iowa	Snyder
Cartwright	Gwynne	Mason	South
Case, S. Dak.	Harrington	Massingale	Sparkman
Casey, Mass.	Hart	Mills, Ark.	Spence
Chipperfield	Hartley	Mills, La.	Stefan
Church	Havener	Monkiewicz	Talle
Claypool	Hawks	Monroney	Tarver
Clevenger	Healey	Moser	Tenarowicz
Coffee, Wash.	Hess	Mott	Terry
Cole, N. Y.	Hill	Mouton	Thomas, Tex.
Cooper	Hinshaw	Mundt	Thomason
Courtney	Hook	O'Connor	Tolan
Cox	Horton	O'Day	Van Zandt
Cravens	Houston	O'Leary	Voorhis, Calif.
Creal	Hull	O'Neal	Wallgren
Crowther	Hunter	Osmers	Walter
Cullen	Izac	Patman	Ward
Curtis	Jacobsen	Patrick	Weaver
D'Alesandro	Jennings	Patton	Welch
Davis	Jensen	Pearson	West
Dickstein	Johnson, Ill.	Peterson, Fla.	Whelchel
Dingell	Johnson, Luther A.	Peterson, Ind.	White, Idaho
Disney	Johnson, Okla.	Pierce	Wolverton, N. J.
Dondero	Jonkman	Pittenger	Woodruff, Mich.
Dunn	Keefe		Woodrum, Va.

NAYS—86

Alexander	Costello	Harter, N. Y.	McGregor
Andersen, H. Carl	Crawford	Hoffman	Mahon
Anderson, Mo.	Crowe	Holmes	Michener
Andresen, A. H.	Darden, Va.	Jenkins, Ohio	Murray
Beckworth	Durham	Johnson, Ind.	Nelson
Bolles	Dworshak	Jones, Ohio	Norrell
Buckler, Minn.	Edmiston	Kean	Oliver
Byrns, Tenn.	Elston	Kinzer	Polk
Cannon, Mo.	Englebright	Kitchens	Rankin
Carlson	Fish	Kieberg	Reed, N. Y.
Carter	Gerlach	Kunkel	Rees, Kans.
Clason	Gore	Landis	Rich
Cochran	Grant, Ind.	Lanham	Rodgers, Pa.
Coffee, Nebr.	Gross	LeCompte	Romjue
Cole, Md.	Halleck	Lewis, Colo.	Schafer, Wis.
Colmer	Hancock	Ludlow	Schiffier

Schulte
Scrugham
Smith, Ohio
Springer
Stearns, N. H.
Sumner, Ill.

Sutphin
Sweet
Taber
Thill
Thorkelson
Tibbott

Tinkham
Vinson, Ga.
Vorys, Ohio
Whittington
Williams, Del.
Williams, Mo.

Wolcott
Wolfenden, Pa.
Youngdahl
Zimmerman

NOT VOTING—163

Allen, Ill.
Allen, Pa.
Andrews
Arnold
Barden, N. C.
Barry
Barton, N. Y.
Bates, Ky.
Bates, Mass.
Beam
Boehne
Bolton
Bradley, Pa.
Brewster
Bryson
Buck
Buckley, N. Y.
Bulwinkle
Burch
Burdick
Burgin
Byrne, N. Y.
Byron
Caldwell
Celler
Chapman
Clark
Cluett
Collins
Connery
Cooley
Corbett
Crosier
Culkin
Cummings
Darrow
Delaney
Dempsey
DeRouen
Dies
Dirksen

Ditter
Doughton
Douglas
Doxey
Drewry
Duncan
Evans
Faddis
Fay
Ferguson
Fernandez
Fitzpatrick
Flaherty
Flannagan
Flannery
Folger
Ford, Leland M.
Ford, Miss.
Ford, Thomas F.
Fries
Fulmer
Garrett
Gartner
Gavagan
Gifford
Guyer, Kans.
Hall, Edwin A.
Hall, Leonard W.
Hare
Harness
Harter, Ohio
Hendricks
Hennings
Hobbs
Hope
Jarman
Jarrett
Jeffries
Jenks, N. H.
Johns
Johnson, Lyndon

Johnson, W. Va.
Jones, Tex.
Kee
Kelly
Kennedy, Michael
Kerr
Kilburn
Kirwan
Lambertson
Larrabee
Lemke
Lewis, Ohio
Luce
Lynch
McArdle
McDowell
McGranery
McLean
McLeod
McMillan, Clara
McMillan, John L.
Maas
Maclejewski
Marcantonio
Marshall
Martin, Ill.
Martin, Mass.
May
Merritt
Mitchell
Murdock, Ariz.
Murdock, Utah
Myers
Nichols
Norton
O'Brien
O'Toole
Pace
Parsons
Pfeifer
Powers

Randolph
Reece, Tenn.
Richards
Risk
Rockefeller
Routzohn
Ryan
Sabath
Sacks
Sandager
Schaefer, Ill.
Schuetz
Schwert
Shafer, Mich.
Shanley
Sheppard
Sheridan
Short
Simpson
Smith, Conn.
Smith, Va.
Smith, W. Va.
Somers, N. Y.
Starnes, Ala.
Steagall
Sullivan
Summers, Tex.
Sweeney
Taylor
Thomas, N. J.
Treadway
Vincent, Ky.
Vreeland
Wadsworth
Warren
Wheat
White, Ohio
Wigglesworth
Winter
Wood

So the bill was passed.

The Clerk announced the following pairs:

Additional general pairs:

Mr. Doughton with Mr. Treadway.
Mr. Jarman with Mr. Gartner.
Mr. Duncan with Mr. Jarrett.
Mr. Fries with Mr. McDowell.
Mr. Hobbs with Mr. Jeffries.
Mr. Cooley with Mr. Martin of Massachusetts.
Mr. Kee with Mr. Powers.
Mr. Warren with Mr. Short.
Mr. Jones of Texas with Mr. Simpson.
Mr. Parsons with Mr. Thomas of New Jersey.
Mr. Murdock of Utah with Mr. Douglas.
Mr. Hennings with Mr. Kilburn.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The doors were opened.

LESTER P. BARLOW

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to substitute the bill S. 313 for the House bill, H. R. 3683, to carry out the findings of the Court of Claims in the case of Lester P. Barlow against the United States.

The Clerk read the title of the bill.

The SPEAKER. Is this bill identical with one of the bills just passed?

Mr. KENNEDY of Maryland. It is, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lester P. Barlow the sum of \$592,719.21, in full settlement of his aerial torpedo patent-infringement claim against the United States as found by the Court of Claims to be due him in its decision of June 7, 1937: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in

connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 3683) was laid on the table.

JOHN P. SHORTER

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to substitute the Senate bill, S. 823, for the House bill, H. R. 4017, for the relief of John P. Shorter.

The Clerk read the title of the bill.

The SPEAKER. Is this bill identical with one that was passed in the omnibus claims bill?

Mr. KENNEDY of Maryland. It is, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John P. Shorter, of Newport News, Va., the sum of \$3,500, in full settlement of all claims against the United States for expenses and injuries sustained as a result of a collision involving a United States Civilian Conservation Corps truck, on June 30, 1936: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 4017) was laid on the table.

VIOLET KNOWLEN

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3976) for the relief of Violet Knowlen, a minor, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 1, line 7, strike out "\$2,500" and insert "\$1,500".

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

HAZEL THOMAS

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 6061) for the relief of Hazel Thomas, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 1, line 6, strike out "\$5,000" and insert "\$3,500".

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PEARL WALDREP STUBBS AND GEORGE WALDREP

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 6334) for the relief of Pearl Waldrep Stubbs and George Waldrep, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 6, strike out ", and George Waldrep, father of."
 Page 1, lines 7 and 8, strike out "sums of \$4,000 and \$1,000 respectively" and insert "sum of \$1,750."
 Page 1, line 9, strike out "sums" and insert "sum."
 Amend the title so as to read: "An act for the relief of Pearl Waldrep Stubbs."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

MARY JANIEC AND IGNATZ JANIEC

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 8605) for the relief of Mary Janiec and Ignatz Janiec, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "\$5,000" and insert "\$3,000."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

J. J. GREENLEAF

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 527) for the relief of J. J. Greenleaf, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. KENNEDY of Maryland, RAMSPECK, and THOMAS of New Jersey.

FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

Mr. KENNEDY of Maryland. Mr. Speaker, the House passed the bill (H. R. 10033) with certain changes, so that the bill is now identical with the Senate bill (S. 4042) to provide for the acquisition of flowage rights and the payment of certain damages in connection with the operation of the Fort Hall Indian Irrigation Project, Idaho. I ask unanimous consent that the Senate bill, which is now on the Speaker's desk, be substituted for the House bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the Senate bill as follows:

Be it enacted etc., That the Secretary of the Treasury, upon receipt of advice from the Secretary of the Interior to the effect that an appropriate and properly executed easement has been obtained, be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Emory Poulson, or his heirs, an amount not exceeding \$4,500: *Provided,* That the foregoing amount shall be in full settlement for any and all past and present damages to the lands or personal property of the above-named Emory Poulson in connection with the construction, operation, and maintenance of the Blackfoot Reservoir, Grays Lake, and the conveyance channel from Grays Lake to the Blackfoot Reservoir of the Fort Hall Indian Irrigation Project, Idaho, and in full payment for the easement obtained from said individual covering the right to flood, impound, withdraw at will, water on, over, and from all lands owned or possessed by said individual in connection with the future operation of said project; and the acceptance of said sum by the said Emory Poulson or his heirs shall act as a quitclaim of any and all rights or claims that may previously have existed against the United States by reason of such construction and operation of the said project: *Provided further,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents or attorneys on account of services rendered in connection with such claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection

with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. KENNEDY of Maryland. Mr. Speaker, this concludes the business of the Committee on Claims for today.

SUPPOSE A GERMAN VICTORY—SOME PROBLEMS WE WILL HAVE TO FACE

Mr. BARNES. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BARNES. Mr. Speaker, we have been following closely the course of the war in Europe and world conditions, and are now centering a great deal of our efforts upon the consideration of our defense program. We all recognize that as a natural result of this war there will be fundamental changes in economic principles and practices, whoever the victor may be. In considering those changes, and in considering our defense policy, it is necessary for us to give some thought to the commercial, economic, and political principles that would be put into force and effect in the event of certain victories, and what we should do to offset the same, or adjust our economy to the new order. At the outset, in considering this problem, I am not going to venture any solution. I will have served my purpose if I succeed in awakening national consciousness to the fact that the character of the economy that will follow the war will be a reflection of the political philosophy of the victor, and that it will be necessary for us to be prepared to meet the challenge when that time comes.

In discussing this problem, I think we should consider first some of the basic elements of the totalitarian economy, and see, in a general way at least, how that economy differs from our own. In the totalitarian state the executive has the supreme power over the law-making processes, the courts, and over all business and economic activity. This power is used to direct from the top all economic activity according to the plans and objectives of the government. In other words, the government has complete control over all labor as individuals, and dictates exactly what employment each individual should have, what rates of pay he should receive, how long he should work, and what contributions, if any, he should make to the government. It also has complete control over the production and distribution of all commodities. Prices are set, both for the producer and the consumer, even going so far as to tell the producer or businessman what he shall produce.

In the field of agriculture the government takes complete control of all farms. It sets the price at which the farmer sells his products, it tells the farmer what he can produce, and certain standards he must meet in the production of the crops; and, if the individual does not come up to the desired standard, it may even take the farm away from him. In the field of manufacturing the same is true, even going to the extent of telling the manufacturer what products can be used, his rates of pay, the price he is to receive for his products, and whether or not the same can be sold for export. In other words, in the totalitarian state all forms of private interests are declared completely subservient to the policies and commands of the rulers of the state. The individual literally has no rights, either in law or fact, save those which the rulers of the state at any particular time may choose to grant him.

This philosophy of government, which we have seen spread in Europe, and whose rulers desire to spread over the world at large, is obviously in direct contrast to our form of government, which supports the individual in the maintenance of both his private and economic liberties. We, in this country, rely for production primarily upon the incentive of gain and private profit. We leave to the individual consumer the right to buy what he chooses, and thereby

determine what is produced. The worker is left free to select his employment and to bargain individually or collectively, and to determine the conditions of his employment. It is necessary for us to realize that if we are to be confronted with a totalitarian Europe, with its form of economy, we must take steps to protect ourselves from encroachment upon our rights, and be in a position to estimate in some degree the nature of the economic problems which will confront us.

In considering the possibility of a Nazi victory we should also take into consideration the exact character and ultimate purposes of the totalitarian politico-economic system. In other words, let us see what Europe would be like under that situation. We have read many articles, books, and so forth, as to the purpose of Germany in this struggle. It must be conceded that Nazi leadership has fully informed the world of its purposes and objectives. I am not going into detail, but would like to make one quotation that I think fairly well embodies the German philosophy:

It is the destiny of the German race to create a new Europe and a new world, organized under German dominance. The world of the democracies is a "rotten and tottering world," now in the final stages of passing away. The superior culture of the west was shown in the heroic period of European expansion when the Portuguese, the Spanish, the French, the English carried that culture to the ends of the earth. But this glorious tradition was vitiated in the eighteenth and nineteenth centuries by romantic democracy and by defeatism. The nations that had been the carriers of culture lost the capacity for self-defense, and their societies were atomized by the rise of individualism.

The German people have preserved western culture free of these two defects. They realize that force is the basis of all social relationships and that as society is better organized the menace to it from disruptive movements is greater and the force exerted to maintain order must likewise be greater. Germany has the capacity to reintegrate the individual into the race. Some 60 percent of Americans and a large proportion of Englishmen belong racially in this unity, but they have failed to understand their mission. It is because of their failure that Germany has been forced to seek allies in the Italians and the Japanese.

The 30 to 40 states now in Eur-Afr-Asia are far too many. The area requires a single center for its ideology, its military strength, its commercial planning. The new commonwealth will be created by the Germans, with the collaboration of the French, Italian, and Slavic peoples, who will be directed by the superior race in matters of production, distribution, and consumption, and in military matters.

I do not think you will find elsewhere a more concise expression of the totalitarian philosophy. In those few paragraphs you see the elevation of the German race to world leadership; the elevation of force as the arbiter of destiny; the suppression of the individual to the rule and worship of the state; the contraction of Europe into a political entity under the control of axis powers. In considering this last phase, some people have questioned the ability to assimilate all into one political unit. I think this is possible because they will be able to control the press, the radio, dominate the church, and close the universities. All secret organizations will be abolished; therefore, the control of all mediums of thought and expression will be in the hands of the government, not giving to the individual the opportunity of self-expression or organization, whereby unfavorable public opinion might gain headway or start a counter revolution.

In the economic field the state will replace the individual, and the competitive price system will be gone. The relation between the monetary unit and wages and prices will all be set by the government. Undoubtedly, they will furnish the directing personnel for all industry, probably even down to the shop foreman. A further unifying force will be the governing elite, whose loyalty will be retained by the offer of jobs, prestige, and security in the great political bureaucracy which this continental system would require. The propertied classes would probably support this regime, even though they might dislike all the Nazi regulations. They would do so because of the fear that a breakdown of this system would mean a proletarian revolution.

In other words, the Germans count upon political power following economic power and not vice versa. Economic pressure will accomplish their results. Territorial changes would not concern them because there would be no France nor England, except as language groups, as none of these

controlled nations would have control of its own finances, economic systems, or of its customs. No orders would be taken from, or given to firms headed by personalities unfavorably regarded by the Nazis. Consequently, by this economic pressure and by the installation of fear, they could easily dominate these countries with a small group.

In considering the possibility of a Nazi victory, we must include, in our speculations, its political and economic effects in this country and in South America, including the possibility of aggression upon this hemisphere. In regard to South America, we may expect attempts of economic penetration, particularly in the Argentine and Brazil, for Germany has in the past and will continue to seek political power as a consequence of economic control. We have entered into defensive commitments with South America, which imply that we would be required to resist Nazi economic penetration there. But, even if this were not the case, it would be absolutely essential to our political and economic principles to oppose the spread of totalitarian economic policies in that section of this hemisphere.

Germany has been very successful in promoting its political influence among the small states of Europe through the negotiation of bilateral treaties and trade cartels. There is opinion that she would employ these methods in seeking a foothold in South American markets. Through her long experience with such trading methods she could organize her trading agreements and exert tremendous influence upon markets which always have been geared to the European economy. Governments with indispensable markets at stake are hardly in a position to demand favorable terms in trade negotiations. Also, she undoubtedly would control and set the rate of exchange. The rate could express the master and subject-race principle, and thereby raise the standard of living of the master people, and even go so far as to affect the relation of the various classes within the country in which they occur. Also preferential terms given to one country over another could be used to undermine the political situation in any one country. Some believe that the economic penetration by Germany into South America would bring those countries sufficiently within the German orbit without changing their sovereignty or form of government. This would be extremely advantageous to Germany, because it would free her from the responsibility of managing production in those countries.

We must recognize that economic necessity, rather than political ideology will exercise controlling influence in South America. These nations are primarily exporting nations. Surpluses are their major problems. Major and rapid shifts will be required to change their economies from a foreign to a domestic market. There has been discussion of the organization of a hemispheric cartel or pool for economic defense. I doubt whether this would work. Should this be attempted, I think the German strategy would be to attempt to divide the unit by arranging to obtain European necessities from the southernmost countries of South America, leaving the rest with large unsold surpluses and difficult internal conditions.

Coming a little closer to home, what would be the impact in our country of a German victory in Europe? As pointed out originally, it would be an impact upon the civilization of which American civilization is a part. We in the United States have in the past been accustomed to measure our resources against the resources of individual nations, but we receive a rude shock when we contrast all of the assets of the countries of Europe lumped into a continental total against our own resources. We in the past have considered ourselves as bigger and better, but would we be under this unification?

Europe in the past has been the best regional customer of the United States; Great Britain our best individual customer. If the standard of living of the populations of the German-occupied areas is reduced to that of subject peoples, the demand for the kind of goods that we produce in this country would be replaced by goods which Japan and Germany are better fitted to supply. Also the question of bilateral bargaining comes in again, and by this method, undoubtedly, Europe would close itself to American exports, except to products essential to further their own economy, and then at a very

low price. Concentration of European manufacturing power under Germany would tend to break American markets elsewhere.

Let us consider briefly how this would affect the average businessman, farmer, and laborer in this country. Under totalitarian control, the American businessman would not be dealing with a European or Asiatic businessman, but with a monopoly administered by a government. He would not be engaged in free competition. Then, again, in dealing with the few open countries left, we would be competing not with foreign individual concerns, but with a highly centralized government.

Our farmers, who produce more than is consumed, would be able to dispose of their surpluses only to governments, and then in exchange for manufactured products produced by so-called slave labor, and which would undoubtedly undersell American-made products.

Will it be possible for us to maintain existing living standards while attempting to compete with a government monopoly resting on slave labor and with no financial overhead to burden production? Will a tariff, a subsidy, or labor laws, and so forth, protect our agriculture and industry against the inroads of such a system? If we let the imports in, how can we compete against them? If we exclude them, how can we dispose of our surplus?

In other words, can our economy of free prices and high labor costs successfully meet the challenge of the totalitarian system of fixed prices, managed currency, and trade by barter? Can there be an adjustment between a managed and free economy with profit to the proponents of these conflicting systems? This, in the last analysis, is the problem that will confront us in the event of a complete Nazi victory. We must concentrate our attention upon it; it requires exhaustive study. This study must be undertaken without delay, lest we suffer the fate of others who have neglected to put their defenses in order. It requires little imagination to foresee that, unless it can be avoided, a conflict between two such economic systems would end in a clash, the results of which would be devastating.

When peace comes there will be gestures toward this country and statements will be made that the totalitarian states are now satisfied nations, and that they have no interests in this hemisphere. They will state that the nations of Europe are starving and that the destruction has been tremendous, and that we, in this country, should send our money and resources over to rehabilitate them. The sending of our funds to rehabilitate Europe will appeal to certain groups in this country who believe that a satisfactory arrangement could be made, whereby world trade could be carried on and our markets reopened. In doing this, we should remember that during the period of rehabilitation these same countries could replenish certain exhausted stocks of essential materials and it might be only another breathing spell, which will be held at our expense.

Others seeking to reduce the tax burden incident to our rearmament program would seize upon peace as a reason for reduction, or even a halt in our arms program, on the theory that we can, without hesitation or suspicion, resume trade with the dictator powers. Appeasement will be the watchword of these groups.

I mention these forces for the purpose of emphasizing the necessity of cautious action. We must not be misled into another Munich. We must thoroughly understand the implications of a Nazi victory in the light of the avowed objective of the totalitarian philosophy, and we must never lose sight of the effect of economic penetration in advancing that objective. The desire for appeasement must be tempered by vigilance and, in seeking trade, we must not make it possible for those who seek to destroy democracy everywhere to obtain the means through replenished resources to pursue that aim. By clear understanding of the policies of the totalitarian powers and by the employment of our natural elements of political and economic strength, I believe that whatever the outcome of the war, it will be possible for us to regain our share in world trade without endangering our institutions and without encouraging the spread of opposing

philosophies elsewhere. This will be no easy task, but it will not be impossible, if we are prepared, to meet the problem when it develops. Our influence, if properly applied, is too potent to be ignored by any dictator or combination of dictators, whose motives we clearly understand.

PERMISSION TO ADDRESS THE HOUSE

Mr. SNYDER. Mr. Speaker, I ask unanimous consent that on Thursday next, after the disposition of matters on the Speaker's desk, at the conclusion of the legislative program of the day, and following any special orders heretofore entered, I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

EXTENSION OF REMARKS

Mr. ROBERTSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and include therein an address delivered by my colleague the gentleman from Virginia [Mr. DARDEN] at the annual meeting of the American Legion in Norfolk.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

COMMITTEE ON THE JUDICIARY

Mr. KEFAUVER. Mr. Speaker, I ask unanimous consent on behalf of the Committee on the Judiciary to file a supplemental report on the bill S. 1681.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. MICHENER. Reserving the right to object, Mr. Speaker, what is this bill?

Mr. KEFAUVER. It is the court bill that we had up in the Committee on the Judiciary this morning.

Mr. MICHENER. This is the bill that provides for an additional district?

Mr. KEFAUVER. Yes.

Mr. MICHENER. And it now simply provides for the distribution of the patronage?

Mr. KEFAUVER. No; it provides for the distribution of jurisdiction.

Mr. MICHENER. I shall not object, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

UNITED STATES HOUSING AUTHORITY

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection by those having special orders for today, the gentleman from Michigan is recognized for 1 minute.

There was no objection.

Mr. DINGELL. Mr. Speaker, when we last met, the gentleman from New York [Mr. TABER] made some remarks on the floor of this House about the very much reduced activities of the United States Housing Authority today and the size of its staff. He also talked about lobbying on the housing bill.

First, with reference to the administrative expenses of the U. S. H. A., it is true that the U. S. H. A. has 1,786 employees now against 2,080 a year ago, but it is not true that its work load is less. On the contrary, it is a tribute to the efficiency of the U. S. H. A. and the productiveness of its staff that it has been able to get along with fewer employees because its work load is actually greater than last year. On page 1516 of the hearings on the independent offices appropriation bill, there are charts showing the project work units of the Authority for this fiscal year. These charts show a work load 10 percent greater for this year than last, because there are more projects under construction and management this year than last year and because this necessarily involves more work by U. S. H. A. Despite a 10-percent increase in the volume of work, the Authority is now functioning with a smaller staff.

Referring to lobbying there has been lobbying for the housing bill, but not by U. S. H. A. There has been lobbying by the host of organizations and people who are supporting this legislation and who, as citizens, are entitled to make their support and interest known to us. There have been few measures before us which have had such wide support. Labor is united behind it—including both the A. F. of L. and C. I. O. It is supported by farm organizations and State commissioners of agriculture. It is supported by various business and industrial organizations. Finally, it is supported by many governors, mayors, and other leading local officials of both parties who have had direct contact with the program in their own communities. The lobbying that my colleague from New York has described is the result of the interest of these groups and organizations.

All of these organizations and people speak in behalf of a cause which is vitally important to the welfare of this Nation today. I say, gentlemen, we should take heed of this interest and act on S. 591 at this session to enable the use of the balance of loan funds already made available to the U. S. H. A. [Applause.]

CONFERENCE REPORT

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent that I may have until midnight tonight to file a conference report.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

EXTENSION OF REMARKS

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter from the mayor of Sioux City.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEA asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a brief extract from the hearings on the Banking Act of 1935, before the Senate committee.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that business in order tomorrow, Calendar Wednesday, may be dispensed with.

Mr. MICHENER. Mr. Speaker, reserving the right to object, what will be the order of business on tomorrow?

Mr. RAYBURN. The business on tomorrow will be, first, a rule on the so-called Tennessee judgeship bill, and after that is disposed of, probably, the rule on the so-called wool-labeling bill. That will be all for tomorrow and I may say that on Thursday we will have the tax bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on two subjects, and in the first to include a brief statement from the Washington News by John T. Flynn, and in the second to include a statement by the gentleman from California [Mr. VOORHIS] and also a copy of a House resolution, a very brief resolution, which I have introduced.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting an address by Virgil Jordan, president of the National Industrial Conference Board.

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The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. THORKE. Mr. Speaker, I ask unanimous consent to extend the remarks I made this morning.

The SPEAKER. Is there objection?

There was no objection.

FIVE-HUNDRED-MILE-PER-HOUR PLANE

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is that agreeable to the gentleman from New York [Mr. DICKSTEIN]?

Mr. DICKSTEIN. It is.

Mr. HINSHAW. Mr. Speaker, this last week end I took the opportunity presented by our recess from Thursday to Monday to fly home to my district. One of the things I did while there was to visit the Lockheed Aircraft Corporation's plant in Burbank, Calif. I hold in my hand a page from the Los Angeles Times containing a photograph of the P-38, the fastest, most deadly interceptor-pursuit plane in the world. I was privileged to inspect this fighting plane in the Lockheed plant.

I have heard so much about it for the past year that I was most anxious to see it to confirm, with my own eyes, the fact of its existence. Members of the House will recall that I have discussed the P-38 on several occasions, wondering why more of them had not been ordered by the Army Air Corps, and why they have not long since been in production. Now I believe production is about ready to commence, and I hope that we may soon have a large fleet of them for our own defense. I ask unanimous consent to extend my remarks and to include an article from the Los Angeles Times of August 23, 1940, concerning the P-38.

The SPEAKER. Is there objection?

There was no objection.

[From the Los Angeles Times of August 23, 1940]

INSPECTORS SEE 500-MILE-PER-HOUR PLANE—LOCKHEED'S NEW PURSUIT SHIP TRUNDLED OUT FOR KNUDSEN AND ARNOLD

The mobilized might of the West's military-aviation industry whirled in review yesterday before William S. Knudsen, production chief of the National Defense Commission, and Maj. Gen. H. H. Arnold, Chief of the United States Army Air Corps.

The two men, in whose hands lie the air preparedness of the United States, were on the move throughout the day, but their first official act was to inspect the world's fastest interceptor-pursuit plane just completed for the Air Corps at the Lockheed factory in Burbank.

The tiny, silver, wasp-like plane is believed to be the world's deadliest fighter, according to General Arnold.

It is designed to cruise 460 miles an hour, but refinements have been added since the first experimental model was built, and the Army hopes to bring its speed up to 500 miles an hour.

HOWARD HUGHES VISITED

Each of its two Allison motors has more than 1,000 horsepower—just how much more is one of those military secrets. It has a cruising radius of 1,100 miles and will climb to 4,000 feet altitude in 1 minute. It will be armed with four .50 caliber machine guns and one 1-inch cannon. The wing span is 42 feet and the length 38 feet.

After also inspecting bombers and other production in the Lockheed factory, Knudsen and General Arnold paid a short call upon Howard Hughes, speed flyer and designer of speedy military types of aircraft.

At noon a brief respite was given the inspection party when General Arnold and Knudsen were guests at a luncheon given by the Los Angeles Chamber of Commerce.

In the afternoon inspection tours were made through the Kinner airplane-motors factory in Glendale and the Menasco motors factory, where the Government has contracts for many engines. Numerous manufacturers of airplane parts also were called upon by the pair in their inventory of aviation production power.

PHOTOGRAPHS PERMITTED

During the day General Arnold took occasion to permit the first official photographs of a giant bomber being built for the Air Corps at the Douglas Aircraft Co. factory at Santa Monica.

The giant plane, designed to be the mightiest military bomber in the world, though still in the jigs, is rapidly taking form. Just how many of this type will be purchased depends upon the results of its tests, General Arnold said.

Orders for the powerful little Lockheed interceptor, known as the P-38, already number more than 900. Many of these are for England, it was indicated, but Army officials admitted that the United States Air Corps has placed its largest order for pursuit

planes with the Lockheed factory. The plane is in production, with the goal set at 100 planes a month within a year.

TESTS NEXT WEEK

The tiny plane will be tested on some secret date next week by a crew of special flyers from Wright Field, Dayton, Ohio, according to Maj. K. B. Wolfe, chief production engineer for the Army at that point.

Today General Arnold and Knudsen will go to San Diego to inspect a giant bomber being built for the Army by the Consolidated Aircraft Corporation and training models in production by Ryan Aircraft.

From San Diego the two men will leave for San Francisco, where they will continue their tour of inspection in the West, which will take them later to the large Boeing factory in Seattle.

EXTENSION OF REMARKS

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks and include a letter from the American Legion Chelmsford Post, No. 212, and the resolution that that post passed.

The SPEAKER. Is there objection?

There was no objection.

CHALLENGING MR. WENDELL WILLKIE

Mr. PATRICK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is that agreeable to the gentleman from New York [Mr. DICKSTEIN]?

Mr. DICKSTEIN. It is.

Mr. PATRICK. Mr. Speaker, I have decided to challenge Mr. Wendell Willkie to debate with him all over the country on the platform. The President has declined to debate with him, and Mr. Willkie said it would be a waste of time for him to accept debate with Mr. Paul McNutt.

Mr. HINSHAW. Mr. Speaker, will the gentleman yield?

Mr. PATRICK. I make this challenge in all sincerity. Of course I am so unknown that the gentleman probably never has heard of me, but until a few months ago I had never heard of Mr. Willkie. It might be a waste of time as Mr. Willkie states and probably would be for him to debate with Mr. Paul McNutt—I think it would be a waste of Mr. McNutt's time; but it would not be such a waste of Mr. Willkie's time if he could step down before the people and debate with some little, obscure, unimposing Congressman such as I, and it might be perhaps the cleverest thing that he could do, the shrewdest move he could make, although I might make it more interesting for him than he would think. But, as I say, I sincerely challenge the gentleman and am sure I feel no safer in making this challenge than he did when he issued his challenge to the President of the United States.

The SPEAKER. The time of the gentleman from Alabama has expired.

The SPEAKER. Under special order heretofore made the Chair recognizes the gentleman from New York [Mr. DICKSTEIN].

"FIFTH COLUMNISTS"

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks and to include an article from the Brooklyn Eagle of Thursday, August 22, 1940. Also, I ask unanimous consent that in my address I may include a letter dated August 24 from the Reporter.

The SPEAKER. Is there objection?

Mr. HINSHAW. Mr. Speaker, I reserve the right to object. What did the gentleman say about a speech on August 22?

Mr. DICKSTEIN. Not my speech. I asked to include a short clipping from the Brooklyn Eagle, dated August 22, 1940, on the question of nazi-ism in this country.

Mr. HINSHAW. Does that have anything to do with the National Rifle Association?

Mr. DICKSTEIN. No.

The SPEAKER. Is there objection?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I rise here to call the attention of the Congress and of the American people to a serious menace in this country today, which has been growing steadily in spite of the fact that we have a committee that is supposedly investigating un-American activity; in spite of the fact that the whole country is looking for "fifth

columnists." The real "fifth columnists" have integrated their activities into the various phases of our political, economic, and social life. I rise here to call the attention of the Congress to the fact that our mails are flooding the country with un-American and anti-American propaganda, and, strange as it may seem, our own post office is distributing mail directed against the aims and purposes of the Constitution of the United States and the people of the United States. At my request, Mr. Henry Hoke, publisher of a magazine known as the Reporter, has submitted to me the following letter, containing information which I believe should be communicated to this House, and which I append herewith:

THE REPORTER OF DIRECT MAIL ADVERTISING,
New York, N. Y., August 24, 1940.

Hon. SAMUEL DICKSTEIN,
Chairman, House Committee on Immigration and Naturalization, Washington, D. C.

MY DEAR CONGRESSMAN: I am submitting as briefly as possible the information you requested.

I have been engaged in the direct-mail-advertising business for some 20 years. For 5 years I was executive manager of the Direct Mail Advertising Association. At the present time, I am publisher and editor of The Reporter of Direct Mail Advertising, the only magazine devoted to this field.

About 6 or 7 months ago I became interested in the growing use of the mails for propaganda purposes. I started studying the foreign propaganda that was sent to me by our subscribers. When I became alarmed at the growing volume, I asked many of my contacts around the country to be on the watch. I asked my son at the University of Pennsylvania, and other college boys to be on the watch for student propaganda.

As the volume of our evidence grew, I began comparing the propaganda with the known aims of Hitler and with the known strategies of direct-mail advertising in order to discover the complete set-up.

In the May issue of our magazine I released for the first time the story of how Germany is using the mail. I claimed that this use was fraudulent, and I appealed to the Post Office Department for a fraud order. I realized at the time that it might be impossible for the post office to issue a fraud order under our present laws.

I am submitting a galley proof of the article which appeared in May. Shortly after the appearance of our first release, I received, in my home, a letter from Ernst Schmitz, manager of the German Railways, 11 West Fifty-seventh Street, New York. I am attaching a reproduction of that letter, together with my reply, in which I refused to apologize.

As a result of the publicity surrounding the threat from Mr. Schmitz and my reply, I was able to obtain additional evidence which has been very helpful in proving our case.

In our report for the month of July we revealed all of the evidence we have obtained so far concerning the German campaign in the mail. I am submitting another copy of this magazine, and the story starts on page 12, and continues to page 24.

The summary of our evidence is as follows:

Before analyzing the actual pieces it is necessary to realize that the power of direct mail and the inherent value of direct mail lies in its selectivity and its secretiveness. Germany has been hammering away through the mails for years, and that hammering is intended to influence the thinking of individuals in this country, and to stimulate some definitely desired action.

It is also necessary to analyze the aims of Germany. By analyzing the statements made by Hitler in his *Mein Kampf*, in Rauschning's report, and in the Official Guide for the Education of the Hitler Youth it is comparatively simple to show that Hitler's mailed propaganda is built around the theories he has publicly expressed. There is definite antagonism to America and the whole scheme is built on the basic idea "divide and conquer."

Hitler is using our mails as the background of a monster campaign to divide the United States into various warring groups.

Here is some of the evidence.

Case No. 1: Boatloads of mail are coming into the United States via Siberia and other channels. Under the International Postal Union agreement, Germany simply prints the postage stamps and puts them on the envelopes addressed to German-Americans and others residing in the United States who have relatives in Germany. The United States Post Office carries this mail free under the International Postal Union agreement. Hitler's government has built one of the largest direct mail mailing lists ever conceived.

Here is what these German-Americans have been getting. (See magazine for reproductions of some of the pieces which we showed you in our personal conversation.)

Twice a week German-Americans get a 48-page bulletin entitled "News From Germany." It is mailed from Steinberg, Bavaria. Sometimes the heading is changed to British News and Views, but it is still mailed from Bavaria.

About once a week there is a bulletin in German entitled "Europaischer Kulturdienst." In these bulletins Germans are told what books to read and what radio programs to listen to. They are also given news about the wonderful state of affairs in Germany.

A few weeks ago every German-American on the list received a 36-page-and-cover 5-by-6¼-inch booklet, entitled "Jew and Gentile," by Otto Edward Lessing. It is one of the most violent attacks on the Jews yet published, and it is a good piece of evidence in

revealing Hitler's technique of attacking the Jews during the first stages of his "divide and conquer" campaign.

Several months ago the German-Americans received a 316-page book, weighing 2 pounds and 4 ounces, entitled "Die Polnischen Greuelthaten an den Volksdeutschen in Polen." Postage stamps amounting to 1 mark and 50 pfennings, equivalent to about 42 cents, were attached to each piece. However, Germany only printed the postage stamps and our Government carried these books without recompense.

The book is obscene. No one in the United States would be able to mail such a book. But, under the International Postal Union Agreement, there is also no censorship.

At various intervals German-Americans in the United States receive booklets from various cities. I have seen at least 25 different samples.

This campaign is intended to intimidate Americans of German origin and to secure their cooperation in disrupting the thoughts and the unity of the United States.

I have one specimen which illustrates the "divide and conquer" principle to the nth degree. About 20 individual sheets are stapled together. Each sheet is a separate argument. About 50 of the stapled sections are shipped in a package via Siberia to the German-Americans here. They are instructed to separate the sheets and hand or mail them to the persons who would be most likely to fall for the selected topic, such as an attack on Roosevelt or an attack on the Jews, or on the press, on capital, etc. We understand that the same type of campaign was carried on in the countries Hitler has already conquered. We believe something should be done at once, either to abrogate the International Postal Union treaties, so far as Germany is concerned, or some law should be passed preventing a foreign government from soliciting or approaching residents of the United States for the purpose of selling them on a form of government opposed to our own.

Case No. 2: The German Library of Information at 17 Battery Place, New York, has been flooding the country with mail for some years. They issue a small 8- or 16-page magazine entitled "Facts in Review." They have a master mailing list of approximately 100,000 ministers, school teachers, editors of college papers, newspapers, and other centers of influence. The whole purpose behind Facts in Review is to give distorted news about the perfect form of government under Hitler and it is also intended to disrupt the thinking of the American leaders of thought. The German Library of Information also issues miscellaneous pamphlets and booklets, all along the same line of endeavor. We have gathered evidence that shows that material from Facts in Review has been entered in the CONGRESSIONAL RECORD and reprints from the RECORD have been mailed to the German Library list. We believe that this Facts in Review campaign is a fraudulent use of the mails. It is a deliberate attempt on the part of a foreign government, unfriendly to our own, to sell our ministers, school teachers, and newspaper editors on an undemocratic, brutal, and murderous form of government.

During the past month or so Facts in Review has been attempting to regain the confidence of religious leaders by printing silly and ridiculous stories on how Hitler is concerned with the spiritual welfare of his soldiers, and of how he is carefully watching and guiding the affairs of the church in Germany.

Some law should be passed as quickly as possible limiting the freedom of speech and press to Americans, or we will lose all of the freedom of the press. Why should any foreign government be allowed to misuse our freedom of the press, and undermine America?

Case three: The German Railroads Information Office at 11 West Fifty-seventh Street, New York, mails 6-page bulletins, entitled "News Flashes From Germany," to an undeterminable number of travel agents, members of the stock exchange, professional men, and prominent national advertisers. These bulletins seem innocuous and sometimes simple. Their obvious purpose is to confuse businessmen about conditions in Germany, and to help in the appeasement program.

We became suspicious of these bulletins because they seemed to be a cover-up for other activities. Ernst Schmitz, the manager, is the man who threatens to sue me for libel.

We made a thorough investigation as we could of Mr. Schmitz' activities, although we prefer to confine our investigations to the use of the mails. Most of our findings concerning Mr. Schmitz are corroborated in the article which appeared in PM on August 22, and I am attaching a tear sheet for your information.

The Dies committee has served a subpoena on Schmitz as a result of our article and the expose by PM. This is just another case of a Nazi agent hiding behind the protection of our lenient laws. They are using our hospitality to defraud. And behind their direct-mail campaign they are carrying on un-American activities. In other words, they are just plain spies gathering information for the Hitler government.

Case No. 4: The Board of Trade for German-American Commerce should be thoroughly investigated. It is publicly proclaimed as an American corporation, but it is Nazi controlled. German agents guide its policies. They publish a magazine entitled "German-American Commerce Bulletin." The whole purpose of the magazine is to wean American businessmen to the German way of thinking. There is the background for the appeasement campaign and the recently departed Westrick was mixed up with Dr. Degener, who guides the board of trade for German-American commerce. This

case is an example of how the Germans use an American corporation for sending poisonous propaganda through the mails.

Some law should be passed to put a stop to it.

Case No. 5: Here is another situation which should have some action. Recently the German Government had published by Howell, Soskin & Co., New York, a booklet entitled "The German White Paper." It is reported to be stolen documents which are intended to prove that Roosevelt, Bullitt, and Kennedy were trying to get the United States into the war. Several history professors refused to write the foreword. But it was finally written by a man named C. Hartley Gratten, who has worked with various pacifist groups in Washington. This book, even though priced at \$1, is being delivered to an American mailing list by the ton. Our contention is that no foreign government should be allowed to have published in the United States an attack on our Government or on the executives of our Government.

Miscellaneous: We have other miscellaneous evidence which it is not necessary to discuss here. Our contention is that if the Post Office Department cannot issue a fraud order against foreign propaganda, even though the mail seems deceptive * * * if our laws are not adequate to stop this flood of foreign propaganda * * * if the International Postal Union treaties require our postmen to deliver propaganda from Germany without recompense to the Government * * * then some action should be taken at once.

Here are my two suggestions: First, an emergency legislative act making it illegal for any foreign government or its agents to solicit or approach by mail, or in person, any resident of the United States for the purpose of influencing an acceptance of a form of government opposed to our own.

That is, if we are to save the freedom of the press and the freedom of speech * * * why shouldn't Congress limit that freedom to Americans? Why should any foreign government be able to approach American residents as individuals in an effort to sell them on a form of government opposed to our own? Why shouldn't foreign approaches to American residents be made through regular diplomatic channels?

The only other solution is a severance of diplomatic relations and an abrogation of the Postal Union treaty as far as Nazi Germany is concerned.

Germany has been arrogant in flaunting its contempt for the United States of America. Germany has flooded this country with mailed propaganda and with Nazi agents. They are disrupting the thoughts, the actions of Americans.

The time has come for action. It is high time for mail users, business leaders, and Members of Congress to work together to put an end to destructive foreign interference with our business and with our life.

Sincerely yours,

HENRY HOKE, *Publisher.*

Tons of foreign mail have poured into this country through our post office, and, of course, the mail originated on the other side, and therefore we received no compensation for the transmission of mails directed against our own institutions and Government.

I believe Mr. Hoke's letter calls for prompt action by Congress, and I intend to introduce a bill as well as a resolution to put an end to this transmission of propaganda by our mails. No other country in the world would allow the mails to be used to undermine its institutions, and as the present statutes are inadequate for that purpose, it is the duty of Congress to pass proper legislation to correct this situation.

There is no question that legislation could be enacted making it illegal for any foreign government to solicit or approach by letter or in person any resident of the United States for the purpose of influencing an acceptance of a form of government opposed to our own.

This propaganda by mail is in line with Hitler's aim and purpose to utilize the machinery of democracy in order to destroy democracy. Just as in Germany, freedom of speech which was guaranteed in the German Constitution was used by the Nazis to overthrow the republican form of government of that country, so now American mails which do not prevent the circulation of all kinds of propaganda are used to distribute anti-American publications.

The purpose of Mr. Hitler is to stir up discontent and disunion among the various groups constituting the American Nation. Gentiles are to be alined against Jews, Catholics against Protestants, the South against the North, Negroes against whites, poor against rich, capital against labor, and the like. "Divide and conquer" is the rule. In union there is strength and the totalitarian rulers do not want our Nation to remain united. Mr. Hitler and his cohorts will stir up discontent everywhere, create "fifth columns" among all the ranks of our people, and later, if they succeed in their plans, America could never rise again to its preeminent position.

among the nations. Here are some excerpts from Hitler's speeches:

America is permanently on the brink of a revolution. It will be a simple matter for me to produce unrest and revolts in the United States, so that these gentry will have their hands full with their own affairs.

Again he said:

National socialism alone is destined to liberate the American people from their ruling clique. I shall undertake this task simultaneously with the restoration of Germany to her leading position in America.

Herman Rauschnigg, who was at one time a close collaborator with Hitler, and who broke with him and wrote an important book entitled "The Voice of Destruction" reports that Hitler believed he could break Anglo-Saxon influence in America, make America a German-speaking nation, and eventually use America to set up Germany as the world empire. Hitler is quoted as saying as follows:

The German component of the American people will be the source of its political and mental resurrection. The American people is not yet a nation in the ethnographical sense, it is a conglomerate of disparate elements. But it is the raw material for a nation.

And again:

We shall soon train our youth there. And we shall have men whom degenerate Yankeedom will not be able to challenge. We shall succeed in making the new political and social order the universal basis of life in the world.

I guarantee that at the right moment a new America will exist as our strongest supporter when we are ready to take the stride into overseas space.

Since the Civil War in which the Southern States were defeated in violation of all historical logic and common sense, the American people have entered upon a plane of political and racial decadence. Nothing but national socialism can deliver the American people from their oppressors and reestablish the foundation of their national greatness.

In order to understand Hitler's views concerning religion it is necessary to refer to his official guide for the education of Hitler youth, which is sort of a catechism, teaching the following lessons:

Christianity is a religion for slaves and fools.

Christianity does not differentiate between whites and Negroes.

The New Testament is a Jewish lie concocted by four evangelists.

The church is international.

Christianity is only a substitute for Judaism and was invented by the Jews in Rome.

Jesus was a Jew.

The implication of all that is that if America is to be reborn it must be only under the domination of the German master race. To accomplish this purpose the Nazis seek to weaken America from within by trying to disseminate their poisonous doctrines through all propaganda channels at their disposal.

As I said before, today foreign mail by the tons is coming into this country and is being circulated throughout the country at almost no cost to the foreign governments. It seems that under some sort of agreement reached at a universal convention, held every 5 years, the rate of postage on mail which passes in international traffic is fixed at this international convention and applies to all countries alike. The rate is based upon a fictitious gold franc. The last convention of this so-called International Mail Conference was held about a year ago in Buenos Aires, at which time it was agreed, and an agreement was signed, as to the rate of postage on international communications. The present rate is 4 centimes of 1 franc for 2 ounces. One franc is about 32.67 cents, which amounts to 1½ cents for each 2 ounces.

I feel very strongly that it could not have been the intention on the part of this Government to participate with the Nazi government or the Fascist government or any other government to enter into a contract to give them almost free mailing on foreign material if the United States Government knew then what it knows now. Instead of sending us mail of cultural or of educational or commercial value,

98 percent of the mail from Nazi Germany today is definitely attacking democracies and everything that those democracies stand for. As a matter of fact, my colleagues, as a result of this enormous amount of propaganda in this foreign mail, this Government is losing millions and millions of dollars, because for the same book that they pay almost 1½ cents you would have to pay 40 to 60 cents if you wanted to mail that first-class mail anywhere in the United States.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. Yes; I yield.

Mr. PATMAN. When did that first begin?

Mr. DICKSTEIN. Well, it is an international convention of all governments.

Mr. PATMAN. But I mean the propaganda being sent through the mails.

Mr. DICKSTEIN. In the last 6 months it has been very heavy.

Mr. PATMAN. Is it not a fact that it began when Hitler went into power about January 1, 1933?

Mr. DICKSTEIN. We had plenty of it at that time, but when Hitler started in 1933 most of the propaganda came in by the ships of the North German Lloyd Line—20 or 30 ships a month. They would actually bring the physical literature or propaganda into the ports of New York, Philadelphia, and San Francisco, and then it would be distributed by the so-called bund organizations throughout the country and to Nazi sympathizers within our own border. However, now that the ships are not coming in since September of 1939, tons of this material are coming in by mail, at a loss to our Government of millions of dollars, and there is not one piece of mail that has any bearing upon education or enlightenment or business, but only upon propaganda, attacking race and creed and our form of government.

I have called attention to that before, but not as forcefully as I hope to do now, because at that time, 4 or 5 months ago, I did not have the positive evidence I have now. I have called attention to this fact, but the so-called Committee on Un-American Activities does not seem to care what is coming in and what is flooding the country. All we hear is another statement, another release in the press about a "pink" they found in Los Angeles or somewhere in California.

Mr. KEEFE. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Wisconsin. I know he has something to ask.

Mr. KEEFE. Do I understand that the gentleman is suggesting that the distribution of this so-called propaganda through the mails, coming in from Germany, should be curtailed?

Mr. DICKSTEIN. Not only from Germany but any other country. Curtailed; yes, sir.

Mr. KEEFE. This propaganda that is coming through the mails, that is seeking to involve us in the affairs of Europe, should be stopped.

Mr. DICKSTEIN. Yes, sir; absolutely.

Mr. KEEFE. The gentleman is aware of the fact that almost a year ago I stated upon the floor of this House that I thought the time had come when a reappraisal should be had in this country of the fundamental constitutional rights of free speech and free press. Is the gentleman now reappraising the right of free press under the Constitution?

Mr. DICKSTEIN. My position is the same as it was. I am not changing my position on the question of free speech or free rights. But if the gentleman will bear with me a moment, the point that I make now is that at this conference that was held in Buenos Aires a year ago, an agreement was entered into between all of these governments for the purpose of receiving second- and third-class mail, and it was there discussed that that material was for the purpose of national and international business, or for the purpose of education, or whatever the case might have been. It was not intended at that time that any government would be permitted to disseminate and deliberately print documentary books and papers which would try to superimpose their form of government upon others and which would seek to destroy other forms of government. That is the point I make.

Mr. KEEFE. Mr. Speaker, will the gentleman yield further?

Mr. DICKSTEIN. Yes, I yield.

Mr. KEEFE. Do I understand the complaint the gentleman is making is that the Post Office Department is not getting sufficient revenue because of this distribution, or is his complaint based upon the fact that he feels that the minds of the people of this Nation are being poisoned by the things that are being circulated?

Mr. DICKSTEIN. My friend, we will take the latter. I do not care about the revenue. We have always lost money on foreign mail, but I am protesting to this Congress and telling the American people that we must find a way to stop the sending of tons of poison into this country by foreign governments that seek to overthrow our democratic form of government or to involve us in a war.

Mr. KEEFE. Mr. Speaker, will the gentleman yield further and direct his remarks also, if he will, to those publications that have been published in this country that had been registered as being published by foreign agents such as the Daily Worker, the Communist publication that has poured poison throughout the land for years and years?

Mr. DICKSTEIN. My friend knows that I am in sympathy with his views. I am on his side on that argument. And I also tell him right now that we have a lot of domestic crackpots who use the mails to disseminate un-American propaganda. I can name about 150 domestic groups that are using our second- and third-class mail on which we lose money. I do not care so much about the question of dollars and cents but I do care about the things they put in those envelopes that are shipped throughout the country making the post office the medium of the "fifth column."

Mr. KEEFE. May I ask the gentleman if in his remarks he intends to indicate a course of procedure as to just exactly how without violation of the constitutional rights as recently proclaimed by the Supreme Court of the United States, how you are going to stop the dissemination of literature of the character he has described? That is a matter I am interested in and other people are interested in, too.

Mr. DICKSTEIN. I am glad the gentleman asked me that question because I feel I have at least a partial solution of it, and in my humble way and within my capabilities I hope to offer some solution. I ask the gentleman to examine a letter I have inserted in my remarks addressed to me by Mr. Henry Hoke, an outstanding publisher. I am sure the gentleman will find his suggestions very helpful.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. PATMAN. Would the gentleman mind placing in the RECORD the names of these 150 associations?

Mr. DICKSTEIN. I would not mind, but I do not think it is exactly right because I want to give every one of them the benefit of the doubt and I am still doing some checking. I have not completed my list. So far I have reached about 75 or 80 of these domestic organizations which are helping, aiding, and assisting foreign agents in disseminating propaganda on behalf of Italy and Germany and other subversive groups in this country.

Mr. PATMAN. Will the gentleman yield further?

Mr. DICKSTEIN. Certainly.

Mr. PATMAN. I suggest that the gentleman place in the RECORD the names of the 75 or 80 he has checked.

Mr. DICKSTEIN. I think they belong in one block, and I am going to keep them in one block, because you cannot separate one from the other. The groups are tied in and interwoven from one end of the country to the other.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. SCHAFER of Wisconsin. Will the gentleman also insert the name of William Allen White, who has been disseminating foreign-invasion propaganda as well as articles and false statements in Liberty magazine attacking the gentleman from New York?

Mr. DICKSTEIN. I have not gone into his activities. We are talking about the "fifth column." What is the "fifth column"? It is invisible. We do not know where its members are. But here we continue an agreement with some foreign governments that have violated the agreement, in that they have within the last 6 months deliberately forwarded malicious, subversive propaganda to various parts of our country attacking our institutions and attacking democracies in general. I have cited some quotations from Mr. Hitler's talks showing that he intends to Germanize the United States and that he says until that is done this will not be a happy world. Those statements have appeared in propaganda material coming into the United States, propaganda sent through the mails, thus making the post office an innocent member of a conspiracy. I say, therefore, that the post office is an innocent party to the "fifth column" conspiracy in this country because the "fifth column" uses it to disseminate its foreign propaganda; and this in turn is possible because we are so foolish as to continue our side of agreements with countries that have broken their solemn pledge to us. It is up to Congress to correct this intolerable situation.

Mr. KEEFE. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. KEEFE. I assume the gentleman receives at his office every so often the same literature that comes to the rest of us from the Friends of New Germany depicting the wonders and glories of Germany.

Mr. DICKSTEIN. That is right. There is somebody in the office of the German consul in this country who does that particular line of work with money sent him from the Nazi Government. They are directed to disseminate all kinds of poisonous un-American propaganda. It is shipped through the so-called German bund whose members claim to be 100-percent Americans.

Mr. KEEFE. The gentleman and I are in substantial accord, I believe, upon the premise that these things are taking place. I would like to ask the gentleman, however, whether he considers those things any more inimical and dangerous to the welfare of this Nation than to have upon the pay rolls of the United States Government, holding official positions, people who have been definitely identified as members of the Communist organization, or those who hew to the Communist Party line? And I am going to take the floor of the House in the next 2 or 3 days and name them on the floor of this House, tell who they are. The gentleman talks about "fifth columnists." They can be identified.

Mr. DICKSTEIN. All right, now; we are getting together. Just let us dissect this problem for a moment. We have gone into a lot of extraneous matter.

Mr. KEEFE. It is not extraneous. The evidence is conclusive.

Mr. DICKSTEIN. We do a lot of hollering about the "reds." Now, I have no use for the "reds." About a year or 2 years ago they picketed my house because I directed the Department to deport a few of these agitators. For months and months they walked up and down in front of my house with placards. I am ashamed to tell you what they said about me, but that does not make any difference at all. I have no more use for them than any other man on this floor. But between the two, fascism seems to be the greater danger at the moment. The "red" agitator takes a soap box and speaks his mind. I may take the next box and tell the people what I think of him and his ideas. But your Fascists, your Nazis, your "fifth columnists," your foreign agents do things on the sly. You do not know what the next step will be. Is that not true? You cannot get away from that. I say that the Communists, the Fascists, and the Nazis all belong to the same family; but between them, as I said before, the Fascists and Nazis seem to be more dangerous at present. Can you deny that? I have no use for either of them, but we must face the facts.

Mr. KEEFE. I understand the gentleman's statement to be that those who adhere to the philosophy of nazi-ism are

more dangerous than those who advocate the philosophy of communism. Do I correctly understand the gentleman?

Mr. DICKSTEIN. Well, I have just simply defined one as a little more dangerous than the other at the present time. One just talks and barks and the other acts at the present time. I say they are all inimical to our form of government, and I mean nazi-ism, communism, and fascism. But we have been paying too much attention to communism, and have given fascism a chance to take root in this country. I agree with the gentleman that all these isms are no good. But at the same time the Committee on Un-American Activities has done nothing to advise the country of the menace and danger of fascism. That is as far as I want to go.

Mr. KEEFE. May I make an observation in connection with that statement?

Mr. DICKSTEIN. My time is limited, and I have been courteous to the gentleman.

Mr. KEEFE. I concede that.

Mr. DICKSTEIN. If the gentleman has any particular thing in mind let us get down to the point.

Mr. KEEFE. The gentleman will concede, will he not, that there are communistic activities that are active and open in this country?

Mr. DICKSTEIN. That is right.

Mr. KEEFE. People who are promoting and fostering activities of sabotage, strikes, discord, and hatred, and they are doing it openly. The gentleman knows that?

Mr. DICKSTEIN. I agree with the gentleman, but this House does not seem to be interested in that—

Mr. KEEFE. I am interested in it.

Mr. DICKSTEIN. I am not speaking about the gentleman. I am talking about the Congress, and I want to justify my statement. We brought out a resolution 2 years ago to investigate the smugglers who were bringing into this country undesirable and suspicious aliens. We have been before the Rules Committee for 2 years begging for a rule. Apparently certain people did not want this investigation to take place and the Committee on Immigration and Naturalization was unable to get any action on the resolution for which it had asked unanimously.

To summarize my observations and to show you that high Government officials have been forced to take notice of the menace of foreign propaganda being carried on in our midst, I wish to insert at this time the last of a series of four articles on this subject made public by the Secretary of the Navy. The information revealed in this article substantiates all the charges that I have been making against the Nazi government for the last 7 years and brings out the fact that, unfortunately, all the predictions I made back in 1933 with regard to the spread of Nazi ideology in this country have become realities.

[From the Brooklyn Eagle of August 22, 1940]

ARMED NAZI UNIT DRILLS IN UNITED STATES, DONOVAN SAYS—"FIFTH COLUMN" HERE HELD FINEST IN WORLD—PROPAGANDA COSTS REICH TWO HUNDRED MILLION A YEAR

(By Col. William J. Donovan and Edgar Mowrer)

Since we must ascribe a huge share in Adolf Hitler's incomparable military successes to his use of Germans and "fifth columnists" in victim countries, the question arises how such a success was possible. How are Germans abroad brought to such self-sacrificing enthusiasm for the Nazi regime? How, above all, can foreigners living under relatively mild and civilized governments be induced voluntarily to betray their own countries for Hitler's Germany? It seems mysterious.

The answer is \$200,000,000 spent annually on organization and propaganda abroad. The immensity of this sum is the secret. Nazi Germany is not a government—not even a "folkdom" of the sort Nazi orators talk about.

Nazi Germany is a conspiracy. Its scope is universal and its aim world dominion. Its primary agents are as many of the millions of Germans in Germany and abroad as can be induced or compelled to serve the German fatherland.

In the United States an organization of Nazis is being trained in arms. As matters now stand, it is conceivable that the United States possesses the finest Nazi-schooled "fifth column" in the world, one which in case of war with Germany could be our undoing.

Its activities begin with attempted proselytizing of Germans abroad, go on to the murder and kidnaping of real or fancied enemies, and end in armed insurrection against the foreign country Hitler wishes to conquer or absorb. Such insurrections of Germans actually occurred in Czechoslovakia, Austria, and Holland.

But for the firm attitude of the United States such an insurrection would, many students believe, have occurred in Brazil.

ACCEPT TRAITORS AS ALLIES

Naturally, the Nazis accept traitors as allies wherever they can find them and welcome the assistance of non-Nordics. But peoples racially akin to Germans—Scandinavians, Dutch, Flemings, German-speaking Swiss, even Anglo-Saxons—are made the object of special proselytizing as belonging to the "same blood."

The center is the Nazi Party. The tool is the Auslands organization (or organization abroad) of this party. Today this organization of Germans abroad has nearly 4,000,000 members, all of whom are conscious agents. Over 600 local groups or "supporting points" are organized in 45 or more Landesgruppen—one in each country.

BOHLE IS SOLE DIRECTOR

The headquarters is in Stuttgart, but all the groups are directed by a single man in Berlin, Gauleiter Ernst Wilhelm Bohle, with some 800 assistants. Technically, Bohle is a "state secretary" in the German Foreign Office.

But everywhere, whether the members are Germans, naturalized Germans or non-Germans, the aim is the same, to achieve Hitler's end by trickery or terror; the organizing principle is the same, with Hitler youth and Hitler sport, marching, emblems, ruthless discipline, ceremonies in honor of Nazi heroes or Hitler's birthday parties; and in case of war they would all be on Germany's side.

In time of peace they make lists of Hitler's enemies, who are marked down for murder or kidnaping to Germany and torture when the great day comes.

There are in fact no less than seven others. The political police or Gestapo, the propaganda ministry of Dr. Paul Joseph Goebbels, the German labor front, the intelligence service of the German Army, of the German Navy, and of the German air arm, and finally the German Foreign Office with its embassies and consulates all over the world.

SPEND TWO HUNDRED MILLIONS YEARLY

Together, these eight organizations spend on propaganda, espionage, and sabotage roughly \$200,000,000 a year. It seems a lot of money, but Hitler has publicly expressed his intention of keeping this service at full blast even if it means fewer divisions in the army.

When one considers that this combined service, with its 35,000 employees, can probably claim credit for the ease of Hitler's many victories, it is obvious that the same result could hardly be obtained so cheaply in any other way.

The German Gestapo of Heinrich Himmler, whose ruthless efficiency surpasses even the Russian OGPU, employs only about 5,000 agents abroad. One of its special tasks is watching over German refugee emigrants, but it does not scorn to cast an eye even on Nazis in good standing, some of whom have been known to speak slightly of the Fuehrer or to express a passing wish for greater personal freedom.

COLLAPSE UNDER OPPOSITION

The Nazis are strong only where unopposed. Where they are resisted, where the initiative is taken from them, they tend to collapse. The revelations in the American press of the fortunes amassed and held abroad by leading Nazis kept Goebbels busy denying it for 2 weeks.

It is hard to see why under present circumstances, in view of "fifth column" activity observed abroad, countries that do not intend to submit to the Third Reich permit any German-language publications or why they do not adopt legislation allowing naturalizations obtained under false pretenses to be annulled by executive act, or do not insist on knowing just which domestic industries and commercial houses have tie-ups of any sort with the Nazis.

Failure to do this, failure to study and combat the entire Nazi-Auslands organization may have tragic consequences. Unearthed in time, the Nazi conspiracy is relatively harmless.

Mr. Speaker, in conclusion let me thank the membership of the House for their courteous reaction to my rather long statement today. I am glad to notice that the House as a whole is beginning to realize the importance of the problem we are facing in fighting the enemy from within and that there seems to be a strong will for unity of action in this fight. [Applause.]

[Here the gavel fell.]

The SPEAKER. Under a previous special order, the gentleman from Pennsylvania [Mr. EBERHARTER] is recognized for 10 minutes.

PRESENT FACTS AND PAST HISTORY INSURE CONTINUED DEMOCRATIC CONTROL

Mr. EBERHARTER. Mr. Speaker, now that the former machine Democrat, whose only elective political office holding seems to have been as a regular organization—"machine" if you will—precinct committeeman from the thirty-seventh precinct of the fifteenth assembly district of New York County, has endorsed the Roosevelt foreign policies, and has assured the country that he accepts the administration's domestic policies from farm program to Federal regulation of stock exchanges, we may consider the campaign open. May

I congratulate the minority party in the discarding of its futile fumbling behind its Deweys, Landons, Hoovers, Vandenberg, Hamiltons, and Tafts and in reorganizing its shattered ranks under the banner of a leader borrowed from the minor leagues of the Democratic Party. However, this may be taken as a confession of complete bankruptcy of capacity in the veteran ranks of the once Grand Old Party.

There appeared in the Appendix of the CONGRESSIONAL RECORD, at page 4946, a most interesting set of figures, reprinted from the Hearst publications, supposed to indicate that the Republicans might possibly gain control of the House of Representatives.

In view of the fact that the Democratic Party now holds one of the largest majorities in congressional history, and the further fact that no party with a clear majority at the midterm congressional elections has, since 1855, lost control of the House of Representatives at the subsequent Presidential elections, this type of statistical reasoning might be properly called whistling one's way past the cemetery. As a matter of fact, the party holding a majority in the House of Representatives at the midterm has increased its majority in the subsequent Presidential year in every test for the past 40 years with the single exception of the 1906-8 elections, when the Republican membership had a net loss of three seats, but retained firm control of the House. The Democratic certainty of success does not rest upon historical precedent alone.

In spite of the traditional "off year" gains of the minority party in 1938, in the Seventy-sixth Congress the Republican Party now has but 170 seats, including 2 vacancies, while there is a net Democratic majority over the Republicans of 90, including 2 sure Democratic seats now vacant.

Probably the most ridiculous of the dreams of this Republican statistical juggler is the one that the Republicans will not only hold each and every one of the gains made in 1938 but that the new gains in 1940 will be as great over 1938 as 1938 was over 1936.

Even the most casual observer of politics knows that in 1938 the Democratic Party was suffering from a maximum of State and local party feuds. Party organizations in several of the most important States were in nearly complete chaos, especially in Ohio and Pennsylvania, where the major losses occurred and open sores from the primary campaigns were unhealed. Those conditions have disappeared.

It is true that spectacular announcements have been made that a number of persons who, at one time or another, supported the Democratic ticket are today enlisted under the banner of the ex-Democrat who, in his acceptance speech, could not find a single word of praise for any Republican leader or policy since Lincoln, with the exception of La Follette and Theodore Roosevelt, both of whom completely repudiated the Republican Party and all of its works. However, it is most interesting to note that, from Jim Reed to RUSH HOLT, practically every one of these new recruits either openly supported Governor Landon in 1936 or consistently opposed each and every one of the President's efforts to assist the common man. It is particularly interesting to recall that the combined efforts of the Republican Party plus that of renegade ex-Democratic leaders without followers produced the astounding total of 8 electoral votes.

In spite of the fact that the Republican minority in this Congress, after their so-called victories of 1938, now comprises but 23.9 percent of the Senate and 39 percent of the House, their party weakness is not adequately revealed until we examine the 1938 election results.

Then we find that 165 sitting Democrats in the House received over 60 percent of the total vote for Member of the House in their respective districts in 1938, while only 72 Republicans received similar votes. In addition, of the 97 remaining Republicans, 14 received less than 50 percent of the votes cast in 1938; 25 received but from 50 to 52.5 percent; 20 from 52.5 to 55 percent; 16 from 55 to 57.5 percent; while 22 had from 57.5 to 60 percent of the congressional vote.

The following list shows the districts in which the present Republican Members received less than 50 percent, or a minority of the vote cast for Member of the House:

Percent

1. JOHN C. SCHAFER, Fourth Wisconsin.....	31.7
2. JOSHUA L. JOHNS, Eighth Wisconsin.....	37.7
3. B. J. MONKIEWICZ, at large, Connecticut.....	42.9
4. WILLIAM J. MILLER, First Connecticut.....	43.4
5. ALBERT E. AUSTIN, Fourth Connecticut.....	43.4
6. LEWIS D. THILL, Fifth Wisconsin.....	43.4
7. H. CARL ANDERSEN, Seventh Minnesota.....	44.3
8. CHARLES HAWKS, Jr., Second Wisconsin.....	44.8
9. JOHN G. ALEXANDER, Third Minnesota.....	46.1
10. CARL HINSHAW, Eleventh California.....	47.0
11. THOMAS R. BALL, Second Connecticut.....	48.1
12. THOMAS M. EATON (deceased), Eighteenth California.....	48.5
13. REID F. MURRAY, Seventh Wisconsin.....	48.8
14. STEPHEN BOLLES, First Wisconsin.....	49.1

Twenty-five Members received such slender majorities that an extremely slight change in sentiment from 1938 would result in defeat.

Percent

1. HARRY W. GRISWOLD (deceased), Third Wisconsin.....	50.1
2. EARL R. LEWIS, Eighteenth Ohio.....	50.1
3. CLARENCE J. MCLEOD, Thirteenth Michigan.....	50.6
4. NOBLE J. JOHNSON, Sixth Indiana.....	50.6
5. JOHN M. VORYS, Twelfth Ohio.....	50.9
6. CHESTER H. GROSS, Twenty-second Pennsylvania.....	50.3
7. JOHN McDOWELL, Thirty-first Pennsylvania.....	50.7
8. WALTER S. JEFFRIES, Second New Jersey.....	50.6
9. ALBERT L. VREELAND, Eleventh New Jersey.....	50.3
10. ROBERT LUCE, Ninth Massachusetts.....	50.9
11. J. FRANCIS HARTER, Forty-first New York.....	50.9
12. GEORGE H. HEINKE (deceased), First Nebraska.....	50.9
13. CHARLES F. RISK, First Rhode Island.....	50.3
14. ROBERT J. CORBETT, Thirtieth Pennsylvania.....	51.2
15. GERALD W. LANDIS, Seventh Indiana.....	51.1
16. FRED BRADLEY, Eleventh Michigan.....	51.3
17. WILLIAM A. PITTENGER, Eighth Minnesota.....	51.0
18. ROBERT A. GRANT, Third Indiana.....	51.0
19. ANTON J. JOHNSON, Fourteenth Illinois.....	51.4
20. WILLIAM H. WHEAT, Nineteenth Illinois.....	51.5
21. LOUIS E. GRAHAM, Twenty-sixth Pennsylvania.....	52.3
22. HENRY O. TALLE, Fourth Iowa.....	52.1
23. GEORGE H. BENDER, at large, Ohio.....	52.4
24. JAMES SECCOMBE, Sixteenth Ohio.....	50.7
25. L. L. MARSHALL, at large, Ohio.....	52.4

A third group, 20 other districts, would be lost by even a very moderate swing away from the Democratic low of 1938. In each of the following, the Republican Member named received between 52.5 to 55 percent of the vote cast in 1938:

Percent

1. FRANK O. HORTON, Wyoming.....	52.8
2. FRED C. GARTNER, Fifth Pennsylvania.....	53.0
3. ROBERT L. RODGERS, Twenty-ninth Pennsylvania.....	53.7
4. IVOR D. FENTON, Thirteenth Pennsylvania.....	53.2
5. THOMAS D. WINTER, Third Kansas.....	53.4
6. MELVIN J. MAAS, Fourth Minnesota.....	53.5
7. BRUCE BARTON, Seventeenth New York.....	53.5
8. HENRY DWORSHAK, Second Idaho.....	53.5
9. ARTHUR B. JENKS, First New Hampshire.....	53.8
10. KARL M. LECOMTE, Fifth Iowa.....	53.9
11. PEHR G. HOLMES, Fourth Massachusetts.....	54.1
12. CLYDE H. SMITH (deceased), Second Maine.....	54.2
13. J. THORKELOSON, First Montana.....	54.1
14. JESSIE SUMNER, Eighteenth Illinois.....	54.3
15. ROBERT B. CHIPERFIELD, Fifteenth Illinois.....	54.5
16. OSCAR YOUNGDAHL, Fifth Minnesota.....	54.6
17. JOHN TABER, Thirty-sixth New York.....	54.6
18. ANDREW C. SCHIFFLER, First West Virginia.....	54.8
19. FRANK B. KEEFE, Sixth Wisconsin.....	54.8
20. ROBERT W. KEAN, Twelfth New Jersey.....	54.9

Still another group of 16 districts show Republican majorities of narrow range, from 55 to 57.5 percent.

Percent

1. JOHN Z. ANDERSON, Eighth California.....	55.0
2. WILLIAM W. BLACKNEY, Sixth Michigan.....	55.0
3. RAYMOND S. SPRINGER, Tenth Indiana.....	55.0
4. JOHN C. KUNKEL, Nineteenth Pennsylvania.....	55.0
5. FREDERICK C. SMITH, Eighth Ohio.....	55.2
6. FOREST A. HARNES, Fifth Indiana.....	55.4
7. FRED A. HARTLEY, Jr., Tenth New Jersey.....	55.5
8. HARVE TIBBOTT, Twenty-seventh Pennsylvania.....	55.7
9. HARRY N. ROUTZOHN, Third Ohio.....	55.8
10. GEORGE S. WILLIAMS, Delaware.....	56.0
11. DEWEY SHORT, Seventh Missouri.....	56.3
12. JOSEPH J. O'BRIEN, Thirty-eighth New York.....	56.1
13. CHARLES L. GERLACH, Ninth Pennsylvania.....	56.3
14. CLIFF CLEVINGER, Fifth Ohio.....	56.8
15. U. S. GUYER, Second Kansas.....	56.4
16. JAMES VAN ZANDT, Twenty-third Pennsylvania.....	57.1

In 22 additional districts the Republican vote was from 57.5 to 60 percent of the total vote. According to the Republican statistical genius who compiled the material previously inserted in the RECORD, districts of this type are debatable.

Percent

1. CLARENCE J. BROWN, Seventh Ohio.....	57.6
2. CHARLES A. HALLECK, Second Indiana.....	57.7
3. THOMAS E. MARTIN, First Iowa.....	57.9
4. RALPH E. CHURCH, Tenth Illinois.....	58.0
5. ALBERT J. ENGEL, Ninth Michigan.....	58.1
6. CARL T. CURTIS, Fourth Nebraska.....	58.1
7. CHARLES H. ELSTON, First Ohio.....	58.1
8. FRED L. CRAWFORD, Eighth Michigan.....	58.4
9. GEORGE W. GILLIE, Fourth Indiana.....	58.8
10. ALLEN T. TREADWAY, First Massachusetts.....	58.8
11. FOSTER STEARNS, Second New Hampshire.....	58.8
12. WILLIAM E. HESS, Second Ohio.....	58.9
13. BEN F. JENSEN, Seventh Iowa.....	58.9
14. JAMES C. OLIVER, First Maine.....	59.0
15. J. PARNELL THOMAS, Eighth New Jersey.....	59.0
16. CASSIUS DOWELL (deceased), Sixth Iowa.....	59.1
17. JOSEPH W. MARTIN, Jr., Fourteenth Massachusetts.....	59.1
18. CARL E. MAPES (deceased), Fifth Michigan.....	59.1
19. GEORGE P. DARROW, Seventh Pennsylvania.....	59.2
20. CLARE E. HOFFMAN, Fourth Michigan.....	59.2
21. FRANK C. OSMERS, Jr., Ninth New Jersey.....	59.3
22. CHARLES L. GIFFORD, Fifteenth Massachusetts.....	59.9

When we recall that in contested districts, practically without exception, in both 1932 and 1936, President Roosevelt received many more votes than any other man on the Democratic ticket, and that in every election in which he has been a candidate for Governor or President he has carried districts never carried by any other Democrat, we may be assured that the Republican Party will remain a weak minority party in the House. This is especially fortunate, since the Senate is absolutely certain to remain overwhelmingly Democratic.

Present facts and past history insure to the people of the country a continuation of Democratic control of the Government. [Applause.]

Mr. KEEFE. Mr. Speaker, will the gentleman yield?

Mr. EBERHARTER. I yield to the gentleman from Wisconsin.

Mr. KEEFE. Did I correctly understand the gentleman to state that there were only two instances in his compilation where in an off-year election the party in power was defeated?

Mr. EBERHARTER. No; I did not say that. My observation was that in none of the years when a President was elected has the party which held the majority of the votes in the House of Representatives lost any of its majority except in one instance. That is in Presidential election years, not in off-year elections.

Mr. SECCOMBE. Mr. Speaker, will the gentleman yield?

Mr. EBERHARTER. I yield to the gentleman from Ohio.

Mr. SECCOMBE. The gentleman will agree, then, that in the last Presidential election there were a number of Democratic Congressmen who rode in on President Roosevelt's coattails?

Mr. EBERHARTER. I will agree with the gentleman that in the last Presidential election there was a large number of Democrats elected partly because of the approval by the candidate for Congress of the President's policies and his personality. If you want to call it riding in on the coattails of the President, naturally, the Presidential candidate often carries with him those Members who approve of his policies, because he is the leader of the ticket. I ask the Republican Members, how in the world they can expect support from their people back home who are going to vote for Wendell Willkie when they are carrying on policies opposite to those of their leader, Mr. Willkie.

Mr. SECCOMBE. The people back in the districts have no faith in the present leadership, and they are anxious for a change.

Mr. EBERHARTER. They have no faith in the present leadership of the Republican Party, which is directly opposite from the Republican leadership in the House of Representatives on very fundamental policies affecting the future of this country. [Applause.]

[Here the gavel fell.]

The SPEAKER. Under a previous special order, the gentleman from Wisconsin [Mr. MURRAY] is recognized for 5 minutes.

DAIRY FACTS

Mr. MURRAY. Mr. Speaker, the New Deal operates for the temporary benefit of the few, at the expense of the many. The waste, extravagance, and uneconomic policies of the New Deal will ultimately ruin not only the many but also the minority group temporarily benefited.

This is shown in the dairy industry, where the New Deal has set up machinery to help the very few, while the dairy industry as a whole is harmed by injustices, and in time the group temporarily benefited will lose the advantages gained over the other groups. The public debt will crush it all.

No one who will take the time to nonpolitically study the agricultural situation in this country will or can deny the above statement of facts.

The constant controversy over the local milk supply brings out many angles of the entire dairy question. It reveals that the national dairy situation is complicated by prejudices, controversies, unscientific conclusions, and injustices.

The following statements are expressed in the hope of clarifying some of the issues involved:

First. Out of 100 pounds of milk produced in the United States approximately 30 pounds is immediately marketed as fluid milk, approximately 42 pounds goes into the making of butter, 6.6 pounds is used in the production of cheese, 3.8 pounds is used for ice cream, and 4.1 pounds is used for condensed and evaporated milk. The remainder is consumed on the farms; fed to calves or wasted. The fluid milk being immediately consumed, it is evident that butter is the tail that wags the dairy dog, since the amount of butter made is so large in comparison to other manufactured dairy products. The producer of milk for city consumption has a greater bargaining power with his customer than the producer of milk for manufactured dairy products. This, no doubt, is reflected in the fact that the producer acquires a better price and a more stable market for his fluid milk. The consumer demands a constant supply of milk for family use, though he may be led to use substitutes for the manufactured dairy products consumed by his family.

Second. The importance of dairy products in the human diet has been definitely recognized by the medical profession. Milk is the drink of youth, the middle-aged, and the aged. Butter is a protective food, and has a food value exceeding its calorie content. Cheese has long been recognized for its food value, and is universally known as the poor man's meat. Some authorities have recommended that 25 percent of the family food budget should be spent for milk and its products. Dairying is by far the most important branch of American agriculture. The annual value is nearly \$2,000,000,000. The value of dairy products equals twice the value of each of our important farm crops. About 75 percent of the farms of the country keep one or more cows for milk production.

THE MILK-MARKETING AGREEMENTS

Third. The present administration has inaugurated milk-marketing agreements as of 1933, 1935, and 1937. These agreements apply to the fluid milk in the milksheds of this country. The Congress delegated the power to the Secretary of Agriculture to issue marketing agreements or orders to regulate the price of milk in interstate commerce. He is also given the power to fix the price which the handler must pay the producer. Some States have State milk-control boards.

The present administration has also evolved milk-marketing agreements for the evaporated milk farmers of the Nation. This is done by establishing a minimum price for butterfat, and is based on the price of butter and cheese. Through its support of the butter-buying program, partially in cooperation with the Dairy Products Marketing Association, the administration has also made an effort to support the price of butter and keep its price from declining to ruinous low levels.

The F. S. C. C. has made large purchases of butter for distribution for relief. It has gone into the market and purchased butter around the 25-cent-per-pound mark. This or-

ganization really has not fixed the price, but has tried to make purchases of butter to keep the price from declining too much. While the prices paid by the F. S. C. C. have not intentionally been made to peg prices of butter, many people feel that the prices paid by the F. S. C. C. have assumed the aspect of price-fixing for this commodity. Many observers think this buying has caused a more uniform price. It is also to be borne in mind that there is no doubt but what the dairy-marketing agencies of the Agriculture Department would be willing to see that the farmers producing milk for manufactured dairy products also had their own marketing agreements, if and when this group has a feasible program. The need for some kind of protection for the producers of milk, used for butter and cheese, is shown in the low prices which have prevailed during the past 7 years in comparison to fluid-milk prices and in comparison to the prices which prevailed during the 7 years before the New Deal.

Fourth. I wish to call your careful attention to the fact that I am in no way trying to tear down the prices for fluid milk. This price is still low when compared with pre-New Deal prices. However, I do address myself to the problem of trying to work out a program which will give the producers of milk used in manufactured dairy products a return for their milk that is more in keeping with what it costs them to produce this milk. Criticism is easy; constructive thought on this question is difficult, and must be approached with a full understanding of the problems involved.

Fifth. The following table shows how the milk production of the United States is used:

UTILIZATION OF MILK IN THE UNITED STATES

One hundred pounds of milk produced in the United States has the following uses:

	Percent
Creamery butter.....	32.4
Whey butter.....	.5
Butter produced on farms.....	9.2
	<hr/> 42.1
Cheese:	
For American cheese.....	5.2
For all other.....	1.4
	<hr/> 6.6
Evaporated milk.....	4.1
Ice cream.....	3.8
(1) Consumed as fluid milk or cream on farms where produced.....	11.5
(2) Fed to calves.....	2.6
Milk consumed as fluid milk or cream in cities and villages.....	29.4
Total.....	<hr/> 100.0

Above figures computed from "Production of Manufactured Products, 1938," chart No. 35 U. S. D. A.

SUGGESTIONS, QUESTIONS, AND CONCLUSIONS

First. If the power to fix the price for the producers of fluid milk is delegated by law to the Secretary of Agriculture why should not the power to fix the price for the producer of milk for manufactured dairy products also be delegated to the same agency?

The 30 percent of the milk producers of this Nation are not entitled to any legislation that is not enjoyed by the other 70 percent of the milk producers. If the price of the fluid milk is fixed on a cost-of-production basis why are not all farm products entitled to this same protection? In other words, any Secretary of Agriculture who has fostered legislation and is in sympathy with legislation which fixes the price for one group and which gives cost of production must, in fairness, be in favor of legislation which fixes the price for all agricultural groups. Furthermore, I cannot see how any Secretary of Agriculture who sympathizes with and fosters cost of production for one group of farmers can, in fairness, oppose legislation as submitted by our colleague the gentleman from North Dakota, the Honorable WILLIAM LEMKE.

Second. Most Members of Congress are interested in removing interstate trade barriers. Our Agricultural Department has issued a booklet one-half inch thick, rehearsing the unfairness and undesirability of these interstate trade

barriers. Yet we have an artificial trade barrier in our milk markets which is erected under the guise of health requirements in connection with this milk supply. The artificial trade barriers erected around cities for milk must be carefully considered in connection with this elimination of trade barriers between States.

Third. The artificial trade barriers erected around cities under the guise of health requirements can easily be analyzed by careful study. There is no reason for anyone who has ever studied bacteriology to conclude that any germs which are injurious to human health will not as effectively cause harm when incorporated in a carton of butter as they will when found in a bottle of milk. Milk cannot be too clean but modern milk producers are producing it in a most sanitary manner and in great volume.

There is not much difference in the cost of producing 100 pounds of clean milk and the same amount of unclean milk. There are not any scientific facts to justify unnecessary handicaps in order to produce clean, desirable milk. From a human-disease standpoint it is just as necessary to have clean, wholesome milk for butter production as it is to have it for fluid-milk consumption.

It is ridiculous to talk in detail about dairy sanitation when we consider for one moment the fact that dairy products are being imported into this country and no man can, with certainty say whether the cows that produced the milk for these imports were even tested for tuberculosis or Bang's disease. In fact, no one has definite knowledge of the sanitary conditions under which the imported product is manufactured. While the American taxpayer pays millions to eradicate diseases, the imports of dairy products of unknown cleanliness merrily roll into our shores. This is a problem of long standing.

Fourth. From a practical standpoint, I maintain that we should have Federal health requirements for milk. I contend that any milk which is produced in conformity to these requirements should be entitled to be shipped to any State in the Union the same as graded potatoes or any other graded farm crop. Unfortunately, the cities can by law insist upon useless additional requirements that complicate the whole problem and add millions to the living costs of the people in the cities.

Fifth. Some fluid milk has a local high-production cost. Adjacent to many cities we find farms not really adapted to the economic production of milk. The result is a high fixed price and the consumer limits the per-capita consumption. When surpluses of fluid milk occur the surplus is made into butter or other manufactured dairy products. This weakens the butter price and the cheese price. An example of this was brought out last year here in Washington when a quart of milk was 14 cents a quart under the fixed price and cheese was 14 cents a pound, and it takes about 5 quarts of milk to make a pound of cheese.

Sixth. If we are to progress on the basis of the greatest good to the greatest number, we cannot continue to legislate to fix the price for one group of milk producers that represents 30 percent of the producers and give them from 50 cents to \$1 for butterfat and then have the second group that represents 70 percent of the milk producers receive whatever they may be able to obtain. Nor can we expect to always have one branch of our Agriculture Department delegated power so that one group gets 50 cents to \$1 per pound for butterfat by milk-marketing agreements; and also have another unit, the Federal Surplus Commodities Corporation buying cheese on the lowest bid. Buying on the lowest bid tends to lower the price to the farmer. The F. S. C. C. also goes into the market and supports the butter market when butterfat is only 25 to 30 percent per pound. This is not meant as criticism of the F. S. C. C. They are no doubt following the law. But one fact is evident and that is that one group of 30 percent of our producers gets the advantages of legislation that gives them a fixed price, while the 70-percent group does not have this advantage and in practice is sometimes harmed by the legislation that fixes the price for the group of 30 percent of our producers.

Seventh. It has been disturbing to note the unfairness of certain milk producers of the 30-percent class who are enjoying the benefits of a fixed Federal price, in that they support measures that are harmful to the 70 percent of the producers whose milk goes into butter and cheese. I have heard producers who were receiving fixed prices of 50 cents to \$1 per pound for their butterfat try to support the Hull brand of reciprocal trade treaties which have reduced the tariff on cheese by 42 percent and have cost the cheese farmers of America millions upon millions of dollars. Cheese averaged 17.5 cents per pound the last 7 years before the New Deal. It averaged 14.7 cents per pound the last 4 Republican years. Cheese averaged only 13.2 cents per pound the first 7 years of the New Deal, and in 1938 and 1939 it averaged only 12.7 cents per pound. While cheese averaged only 10 cents in 1932, it averaged only 11 cents-plus the first 6 months of 1939. According to Bulletin 200, U. S. D. A. and W. D. A., pages 33 and 41, the farm price of butter was 35 cents per pound the 7 pre-New Deal years, 32 cents per pound the last 4 Republican years, and 26 cents for the 7 years of the New Deal. Fluid milk averaged \$2.12 per hundredweight for the 6 pre-New Deal years and only \$1.68 per hundredweight for the first 6 New Deal years. One minority group cannot for long expect to sit with a fixed definite price for their product and expect the majority group to absorb the surpluses of the protected minority group and also give encouragement to legislation that is harmful to the majority group.

Eighth. Many Members of the House from areas enjoying the benefits of federally fixed prices for milk were exceedingly vociferous in their praise and support of the Hull brand of trade treaties that have so materially reduced the incomes of the butter and cheese farmers.

The first treaty was made in 1935 and the tariff was reduced 2 cents per pound. This went into effect January 1, 1936. In 1936 there were 14 times as much American cheese imported as there was in 1935. In 1938 when cheese was only 12.6 cents per pound the second trade treaty was made and the tariff was reduced another cent per pound. In 1939 there were 3½ times as much American cheese imported as in 1938, even though cheese averaged only 11 cents-plus per pound the first 6 months of 1939. While some of my New Deal colleagues seem willing to secure a protected, fixed market price, and, in fact, want the American market with a fence around it for their farmers, they are also willing and eager to give the big majority of dairy farmers the uncertainties of a New Deal manipulated market and also a chance to compete with the cheap labor and living standards of Europe, Asia, and South America. We cannot continually have legislation for the benefit of the few with the American market for the minority and not in justice have the American market for the majority of our farmers. No effort has been made to reduce the tariff on butter. Six times as much milk is produced for butter as there is for cheese. Any attempt to lower the tariff on butter would meet with universal opposition while cheese is produced in a comparatively small area, with Wisconsin producing half of it. If you think the 42-percent reduction in the tariff on cheese was justified, do you believe that a 42-percent reduction in the tariff on butter is desirable? Ask any trade-treaty advocate that question.

Ninth. Would-be authorities use weasel words in saying that imports of dairy products represent less than one-half of 1 percent of our national dairy production. Some New Dealish agricultural colleges sent out this kind of information. Anyone knows that the fluid-milk market is not affected by imports on account of the nature of the business as the product must have immediate consumption. I am sure many of them have not even taken the time to look it up. However, it will be refreshing for them to know that we import in terms of years an amount equal to 7 to 10 percent of our annual production of all cheese; and import an amount of Swiss cheese equal to 20 to 25 percent of our annual production.

Tenth. What has the effect of the low prices of dairy products been on the dairy regions producing milk for butter and cheese? The undisputed fact is that the Federal foreclosures and acquisitions of farms in Wisconsin have never been as

high during the whole period of Federal loans as it was in 1939 after 7 years of the New Deal. In Wisconsin in 1932, 264 farms or 4 percent of the total were acquired by the Federal land bank, while 1,356 farms, or 4½ percent, were acquired by the Farm Credit Administration in 1939. If farmers receiving over 17 cents per pound for cheese for the 7 pre-New Deal years were in difficulties and they had an average mortgage of \$2,300, how can anyone expect to see these farms paid for with an average mortgage of \$3,000 when cheese is only averaging 13.2 cents per pound under the New Deal? If these mortgages cannot be paid with 32- to 35-cent butter, how are they going to be paid with the New Deal price of 26 cents per pound? Is it any wonder that 50.2 percent of the farms in the Seventh Wisconsin District were delinquent on January 1, 1940? As long as dairy products bring 25 to 30 percent less under the New Deal than before the New Deal the dairy farmer must look for a brighter day than the New Deal has ever given him.

Eleventh. It is not very consoling to the farmers of this country who have been driven from their homes by the New Deal because they could not pay an average annual interest of \$98 to \$112 per farm on an average \$2,800 mortgage to find out that the New Deal has built 90,436 housing units for other groups of people in the big cities that have cost an average of \$4,359 per unit and that they also subsidize this group \$28,000,000 a year for 60 years or \$1,680,000, and also to learn that the Federal Treasury pays \$193 each year toward the rent for each of this subsidized group? More people were driven from their homes by the New Deal than homes were provided for by the New Deal, and the public debt was increased by \$1,680,000,000. Is this one of the social gains of the New Deal?

Twelfth. I am happy to think that I have at least been able to equalize and reduce the interest burdens of the farmers of this country to an extent that it means the saving of tens of thousands of dollars to the farmers of my district and an annual saving of millions of dollars to the farmers of the Nation.

Strong support was given to make milk a basic commodity but the Agriculture Department gave an adverse report, and the bill was never voted on even in committee. In fairness it must be here recorded that the dairy farmers did once have the opportunity to include milk as a basic commodity. If parity payments are to be paid they must be paid to all branches of agriculture or else the program will fail.

If we fix prices for the minority we must for the majority. [Applause.]

We cannot always maintain a farm program that benefits only one-third to one-half the crop production of the country. We surely cannot wish to make an arrangement with a small percentage of the total milk producers of this country by fixing their price, and then turn around and follow practices like buying cheese on the lowest bid and buying butter at one-half to two-thirds the cost of producing it and giving it away to the farmers' customers to sit down and eat it, and expect the farmer to pay his taxes in support of such a procedure.

The farmer has furnished one-fourth to one-third the cost of feeding the people of this Nation the past 10 years, and if his food is going to be given away, there is no sense in further impoverishing the farmer.

Let us have a program that gives all farmers the same consideration with justice to all. We will then have the greatest good to the greatest number instead of continual New Deal legislation for the benefit of few at the expense of the many. [Applause.]

ENROLLED BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 10004. An act to provide for the transfer of the duplicates of certain books in the Library of Congress to the Beaufort Library of Beaufort, S. C.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned until tomorrow, Wednesday, August 28, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization at 10:30 a. m., Wednesday, August 28, 1940, for the consideration of Senate bill 3248, regarding the pay of immigration inspectors for overtime.

COMMITTEE ON THE JUDICIARY

There will be a hearing on Wednesday, August 28, 1940, before the Committee on the Judiciary on the bills H. R. 10365 and H. R. 10403, to facilitate preparation for national defense by amending section 3477 of the Revised Statutes. The hearing will begin at 10 a. m., and will be held in the Judiciary Committee room, 346 House Office Building.

COMMITTEE ON IRRIGATION AND RECLAMATION

There will be a meeting of the Committee on Irrigation and Reclamation on Thursday, August 29, 1940, at 10 a. m., in room 128, House Office Building, for the purpose of considering H. R. 10122.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds on Thursday, August 29, 1940, at 10 a. m., for the consideration of the defense-housing bill.

COMMITTEE ON THE POST OFFICE AND POST ROADS

There will be a meeting of the Committee on the Post Office and Post Roads on Friday, August 30, 1940, at 10 a. m., for the purpose of considering all fourth-class postmasters' salary bills.

EXECUTIVE COMMUNICATIONS, ETC.

1925. Under clause 2 of rule XXIV a letter from the Administrator, Federal Security Agency, transmitting a report of the Superintendent of St. Elizabeths Hospital listing the detailed expenses of that institution for the fiscal year 1940, was taken from the Speaker's table and referred to the Committee on Expenditures in the Executive Departments.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SABATH: Committee on Rules. House Resolution 578. Resolution for the consideration of H. R. 7236, a bill to provide for the adjustment of certain claims against the United States and to confer jurisdiction in respect thereto on the Court of Claims and the district courts of the United States, and for other purposes; without amendment (Rept. No. 2884). Referred to the House Calendar.

Mr. MAAS: Committee on Naval Affairs. H. R. 10295. A bill to amend the act of June 23, 1938 (52 Stat. 944); without amendment (Rept. No. 2885). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ELLIS:

H. R. 10410. A bill authorizing the construction of certain dams and reservoirs on the White River, Ark., and Mo., for flood control and other purposes; to the Committee on Flood Control.

By Mr. KEOGH:

H. R. 10411. A bill to repeal obsolete statutes and to improve the United States Code; to the Committee on Revision of the Laws.

By Mr. LANHAM:

H. R. 10412. A bill to expedite the provision of housing in connection with national defense, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. DOUGHTON:

H. R. 10413. A bill to provide revenue, and for other purposes; to the Committee on Ways and Means.

By Mr. DISNEY:

H. R. 10414. A bill to amend certain provisions of the Internal Revenue Code relating to manufacturers' and producers' taxes on gasoline and lubricating oil; to the Committee on Ways and Means.

By Mr. McGEHEE:

H. R. 10415. A bill to amend paragraph 19 of section 7 of an act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1930, and for other purposes," approved July 1, 1902, as amended; to the Committee on the District of Columbia.

By Mr. O'NEAL:

H. R. 10416. A bill to amend the United States Housing Act of 1937, as amended; to the Committee on Banking and Currency.

H. R. 10417. A bill to amend the United States Housing Act of 1937, as amended; to the Committee on Banking and Currency.

By Mr. MOUTON:

H. J. Res. 595. Joint resolution authorizing the participation of the United States in the celebration of a Pan-American Aviation Day, to be observed on December 17, of each year, the anniversary of the first successful flight of a heavier-than-air machine; to the Committee on the Judiciary.

By Mr. COX:

H. Res. 580. Resolution to provide current information to Congress by a permanent staff during the emergency relating to national defense activities of the Federal Government; to the Committee on Rules.

By Mr. VINSON of Georgia:

H. Res. 581. Resolution for the consideration of S. 4271; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. BOLAND:

H. R. 10418. A bill to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Peter Florey; to the Committee on the District of Columbia.

By Mr. CRAVENS:

H. R. 10419. A bill for the relief of Lucy Lewis; to the Committee on War Claims.

By Mr. D'ALESSANDRO:

H. R. 10420. A bill for the relief of John J. Jenkins; to the Committee on Claims.

By Mr. WALTER:

H. R. 10421. A bill to record the lawful admission to the United States for permanent residence of Clarice Joan Dickens; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9229. By Mr. BALL: Resolution of the Ladies' Auxiliary to the Jewish War Veterans of the United States, for the registration of all firearms; to the Committee on Military Affairs.

9230. By Mr. THOMAS F. FORD: Resolution of the Los Angeles County Democratic Central Committee, favoring the setting up of a Home Owners' Loan Corporation office in southern California, and further requesting that this southern California office be filled with southern California residents insofar as they are qualified; to the Committee on Banking and Currency.

9231. By Mr. GREGORY: petition of Edwin J. Paxton, Sr., publisher of the Sun-Democrat, and many other prominent citizens of Paducah, Ky., urging the sale of destroyers to England; also the immediate passage of the Burke-Wadsworth selective-service bill; to the Committee on Military Affairs.

9232. By Mr. SANDAGER: Petition of the American Legion, Department of Rhode Island, advocating an adequate national-defense program for all branches of the service; to the Committee on Military Affairs.

9233. By the SPEAKER: Petition of the American Legion, Department of the District of Columbia, Washington, D. C., petitioning consideration of their resolution with reference to House bill 9974 and Senate bill 4041, to establish a Division of Aviation Education in the United States Office of Education, Federal Security Agency, and for other purposes; to the Committee on Education.

9234. Also, petition of Local Union No. 12036, Fairmont, W. Va., petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

9235. Also, petition of A. L. Maloyan, Long Beach, Calif., petitioning consideration of their resolution with reference to banking and currency; to the Committee on Banking and Currency.

SENATE

WEDNESDAY, AUGUST 28, 1940

(Legislative day of Monday, August 5, 1940)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Almighty and everlasting God, whose loving hand hath given us all that we possess: Grant us grace that we may honor Thee with our substance, and remembering the account which we must one day give, may be faithful stewards of Thy bounty and of all the responsibilities which Thou hast entrusted to our care. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Tuesday, August 27, 1940, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Lee	Schwellenbach
Andrews	Donahey	Lodge	Sheppard
Ashurst	Downey	Lucas	Shipstead
Austin	Ellender	Lundeen	Slattery
Bailey	George	McCarran	Smathers
Bankhead	Gerry	McKellar	Smith
Barbour	Gibson	Maloney	Stewart
Barkley	Glass	Mead	Taft
Bone	Green	Miller	Thomas, Idaho
Bridges	Guffey	Minton	Thomas, Okla.
Brown	Gurney	Murray	Thomas, Utah
Bulow	Hale	Neely	Tobey
Burke	Harrison	Norris	Truman
Byrd	Hatch	Nye	Tydings
Byrnes	Hayden	O'Mahoney	Vandenberg
Capper	Herring	Overton	Van Nuys
Caraway	Hill	Pepper	Wagner
Chandler	Holt	Pittman	Walsh
Chavez	Hughes	Radcliffe	Wheeler
Clark, Idaho	Johnson, Calif.	Reed	White
Clark, Mo.	Johnson, Colo.	Reynolds	Wiley
Connally	King	Russell	
Danaher	La Follette	Schwartz	

Mr. MINTON. I announce that the Senator from Mississippi [Mr. BILBO] and the Senator from Iowa [Mr. GILLETTE] are necessarily absent.

Mr. AUSTIN. The senior Senator from Oregon [Mr. McNARY], the Senator from North Dakota [Mr. FRAZIER], and the Senator from Delaware [Mr. TOWNSEND] are unavoidably absent.

The junior Senator from Oregon [Mr. HOLMAN] and the Senator from Connecticut [Mr. DANAHER] are absent on public business.

The PRESIDENT pro tempore. Ninety Senators having answered to their names, a quorum is present.

PETITIONS

Mr. TYDINGS presented a petition of sundry citizens of the State of Maryland and the District of Columbia praying for the prompt enactment of pending selective compulsory military training legislation, which was ordered to lie on the table.

Mr. REED presented the petition of Samuel L. Gorham, of Turon, Kans., and 210 other citizens of that vicinity, which was referred to the Committee on Naval Affairs, and the body of the petition was ordered to be printed in the RECORD, as follows:

In the interest of our national welfare, we, the undersigned citizens of Turon, Kans., do hereby urgently request that you use your utmost influence in backing the program to deliver to England 50 or 60 of our more or less obsolete destroyers in exchange for naval bases or other considerations as you might deem proper, and that such transaction be made at once, as we believe that time is most urgent.

RESOLUTION ON CONSCRIPTION OF WASHINGTON NEWSPAPER GUILD AUXILIARY

Mr. WHEELER presented a letter from Florence Dozier, secretary of the Washington Newspaper Guild Auxiliary, embodying a resolution adopted by that organization on the subject of conscription and the national defense, which was ordered to lie on the table and to be printed in the RECORD, as follows:

WASHINGTON NEWSPAPER GUILD AUXILIARY,
WASHINGTON, D. C.,
Silver Spring, Md., August 22, 1940.

Senator BURTON K. WHEELER,
Senate Office Building, Washington, D. C.

DEAR SIR: The following resolution was unanimously adopted at the regular membership meeting of the Washington Newspaper Guild Auxiliary, Tuesday, August 6, 1940:

"Whereas we believe that voluntary 1-year enlistment at an adequate rate of pay would provide a sufficient army for the national-defense needs of the United States: Therefore be it

"Resolved, That the Washington Newspaper Guild Auxiliary is opposed to the Burke-Wadsworth conscription bill."

Yours truly,

FLORENCE DOZIER.

Secretary, Washington Newspaper Guild Auxiliary.

REPORTS OF COMMITTEES

Mr. TYDINGS, from the Committee on Territories and Insular Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 8474. A bill to further amend the Alaska game law (Rept. No. 2053);

H. R. 9123. A bill to approve Act No. 65 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An act to amend Act 29 of the Session Laws of Hawaii, 1929, granting to J. K. Lota and associates a franchise for electric light, current, and power in Hanalei, Kauai, by including Moloaa within such franchise" (Rept. No. 2054); and

H. R. 9124. A bill to approve Act No. 214 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An act to amend Act 105 of the Session Laws of Hawaii, 1921, granting franchise for the manufacture, maintenance, distribution, and supply of electric current for light and power within Kapaa and Waipouli in the district of Kawaihau on the island and county of Kauai, by including within said franchise the entire district of Kawaihau, island of Kauai" (Rept. No. 2055).

Mr. BROWN, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 4571. A bill for the relief of LaVera Hampton (Rept. No. 2056);

H. R. 5264. A bill for the relief of Maj. Clarence H. Greene, United States Army, retired (Rept. No. 2060);

H. R. 6060. A bill for the relief of John P. Hart (Rept. No. 2057);

H. R. 6230. A bill for the relief of James Murphy, Sr. (Rept. No. 2058); and